

# CITY OF CENTER LINE, MICHIGAN ZONING ORDINANCE

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**Effective Date: December 6, 2016**

**Amended: October 12, 2018**



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# Appendix A Zoning

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## **TITLE**

An Ordinance To Regulate and Restrict the Location and Use of Buildings, Structures and Land for Trade, Industry, Residence and for Public and Semi-Public or Other Specified Uses; and To Regulate and Limit the Height and Bulk of Buildings and Other Structures; To Regulate and To Determine the Size of Yards, Courts, and Open Spaces; To Regulate and Limit the Density of Population; and for Said Purposes To Divide the City Into Districts and Establishing the Boundaries Thereof; Providing for Changes in the Regulations, Restrictions, and Boundaries of Such Districts; Defining Certain Terms Used Herein; Providing for Enforcement; Establishing a Zoning Board of Appeals; and Imposing Penalties for the Violation of This Ordinance.

## **PREAMBLE**

The Michigan Zoning Enabling Act establishes the right to adopt comprehensive zoning regulations, and empowers the City to enact a zoning ordinance and provides for its administration, enforcement and amendment.

The City deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience and general welfare of its residents.

The City has prepared and adopted a Master Plan designed to conserve the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewer, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan.

The City has identified districts and prepared regulations pertaining to such districts in accordance with the Center Line Master Plan and in consideration of the character of the districts and their unique suitability for particular uses, with a view towards conserving property values and encouraging the most appropriate use of land throughout the City.

## **ENACTING CLAUSE**

The City of Center Line ordains:

## **ARTICLE I. SHORT TITLE**

### **SECTION 100. SHORT TITLE.**

This ordinance shall be known and may be cited as the City of Center Line Zoning Ordinance.

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## ARTICLE II. DEFINITIONS

### SECTION 200. PURPOSE.

For the purposes of this ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure," and "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," "association," as well as "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel;" the word "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

Terms not herein defined shall have the meaning customarily assigned to them.

### SECTION 201. DEFINITIONS.

**Accessory building:** A detached structure on the same property with, and of a nature customarily incidental and subordinate to the principal structure.

**Accessory use:** A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

**Adult Foster Care Facilities:** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

**Foster Care Small Group Home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Foster Care Large Group Home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**Adult motion picture theater:** An enclosed building, booth, or structure, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**Adult outdoor motion picture theaters:** An open area used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this section, for observation by patrons therein.

**Adult supply store:** An establishment whose primary economic activity consists of the distribution, sale, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

For the purpose of this section, "specified sexual activities" is defined as:

Human genitals in a state of sexual stimulation or arousal;

Acts of human masturbation, sexual intercourse, or sodomy;

Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

For the purpose of this section, "specified anatomical areas" is defined as:

Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

For purposes of this section, "principal business purpose" means:

The devotion of a significant or substantial portion of its stock-in-trade or interior floor space; or

The receipt of a significant or substantial portion of its revenues from; or

The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "specified sexual activities" or "specified anatomical areas".

For purposes of this section, "primary economic activity" means:

The devotion of a significant or substantial portion of its stock-in-trade or interior floor space; or

The receipt of a significant or substantial portion of its revenues from; or

The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "specified sexual activities" or "specified anatomical areas".

An establishment may have other economic activities that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.

**Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Alterations:** Any change, addition or modification to a structure or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

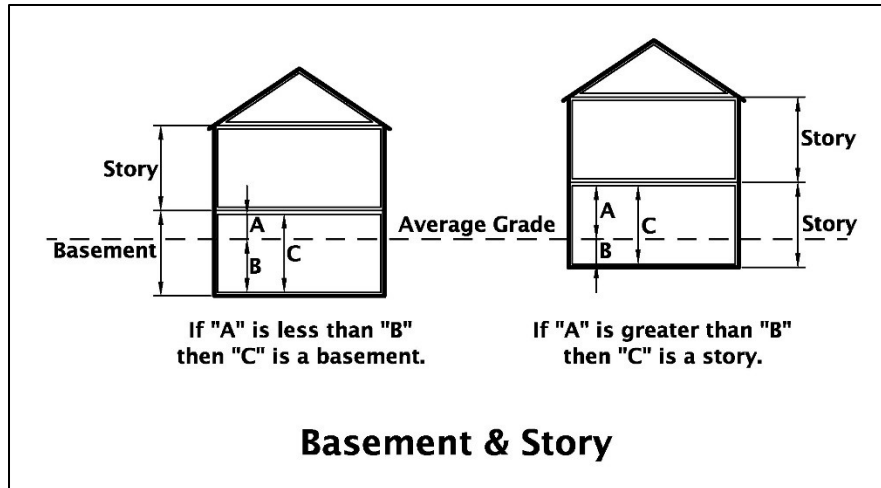
**Ambient Noise:** Regularly occurring background noise.

**Apartment:** The dwelling units in a multiple dwelling as defined herein.

**Arcade:** A place, premises or establishment or room set aside in a retail or commercial establishment in which are located three or more coin-operated amusement devices, defined herein as a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement of (or) skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor coin-operated mechanical music devices; nor mechanical motion picture devices. The definition shall not apply to coin-operated amusement devices owned or leased to establishments that are properly licensed for sale of beer or intoxicating liquor for consumption on the premises.

**Automobile repair garage:** A place where the following activities may be carried out: vehicle body repair, undercoating, painting, tire recapping, auto dismantling, upholstery work, and auto glass work.

**Basement (cellar):** That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the bottom of the joists supporting the ceiling. A basement shall not be counted as a story. (See the diagram.)

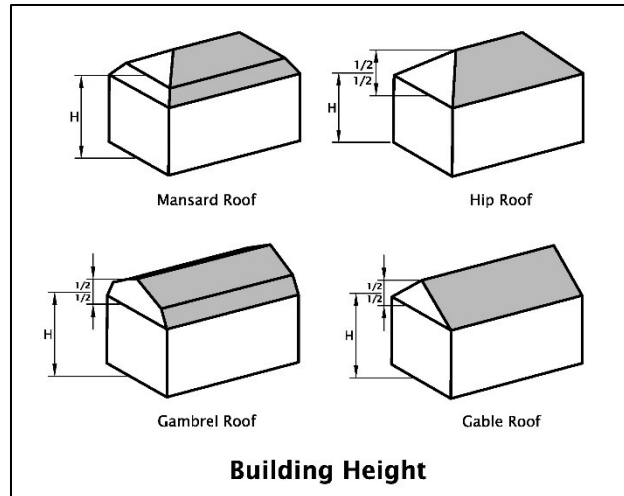


**Billboard:** Any structure or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. This definition does not include any bulletin boards used to display official court, public office notice, or church bulletin boards.

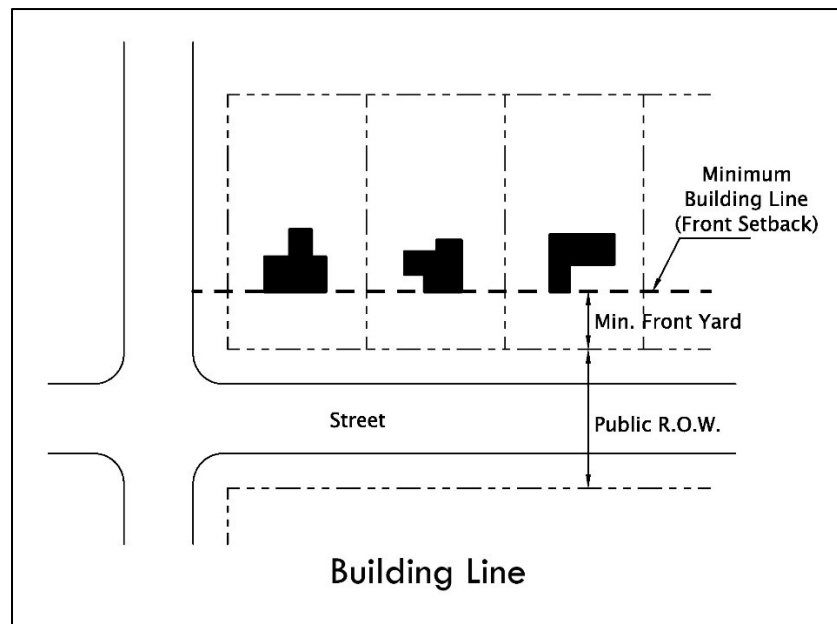
**Block:** That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage; or between any of the foregoing and any other barrier to the continuity of development.

**Building:** Is any building, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.) Also known as a "structure".

**Building height:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and to the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See the diagram.)



**Building line:** Is a line formed by the face of the building; and for the purposes of this ordinance, a building line is the same as a front setback line. (See the diagram.)



**Build-to line:** A line parallel to the property line along which a building shall be built.

**Building, principal:** Is a building in which is conducted the principal use of the lot on which it is situated.

**Change of occupancy:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution or the addition thereto of a use of a different kind of class.

**Child Care Facility:** The following definitions shall apply in the application of this Ordinance:

**Child day care center:** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**Child family day care home:** A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term “family day care home” includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

**Child group day care home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term “group day care home” includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

**Clinic:** Is an institution providing diagnostic, therapeutic or preventative out-patient treatment by a group of doctors or veterinarians in the same building.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

**Condominium:** A place or project consisting of not less than two (2) condominium units established in conformance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions shall apply in the application of the regulations of this Ordinance:

**Condominium documents:** The master deed recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.

**Condominium unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

**General common elements:** The common elements other than the limited common elements.

**Limited common elements:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

**Court:** Is an open unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to the front yard or front lot line or to the rear yard or rear lot line is an outer court. Any other court is an inner court.

**District:** Is a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

**Drive-in:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, regardless of whether self-servicing is involved.

**Drive-through:** A principal use or accessory use of an establishment that by design permits customers to obtain goods or services while remaining in their motor vehicles.

**Dwelling unit:** A building or portion thereof, designed for the occupancy of one (1) family and having cooking and bathroom facilities.

**Dwelling, multiple-family:** A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other. Multiple-family dwellings may consist of the following:

Efficiency unit: A dwelling unit containing not more than one (1) room in addition to kitchen, dining and sanitary facilities.

One (1) bedroom unit: a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities.

Two (2) bedroom unit: a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and sanitary facilities.

Three (3) or more bedroom unit: a dwelling unit consisting of not more than four (4) rooms in addition to kitchen, dining and sanitary facilities.

**Dwelling, one-family:** A building consisting of not more than one (1) dwelling unit designed exclusively for the use of one (1) family.

**Dwelling, one-family attached:** A building containing not less than three (3) nor more than eight (8) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

**Dwelling, two-family:** A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

**Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

**Essential services:** Means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including

towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare.

**Family:** Means either of the following:

A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization or group whose association is temporary or seasonal in character or nature. For the purposes of enforcement, it is presumed that a functional equivalent of a domestic family is limited to six (6) or fewer persons.

**Floor area:** The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls, or from the centerline of common walls of adjoining buildings. For the purposes of this Ordinance, the following definitions shall apply:

**Floor area, gross:** The floor area within the inside perimeter of the walls of a building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

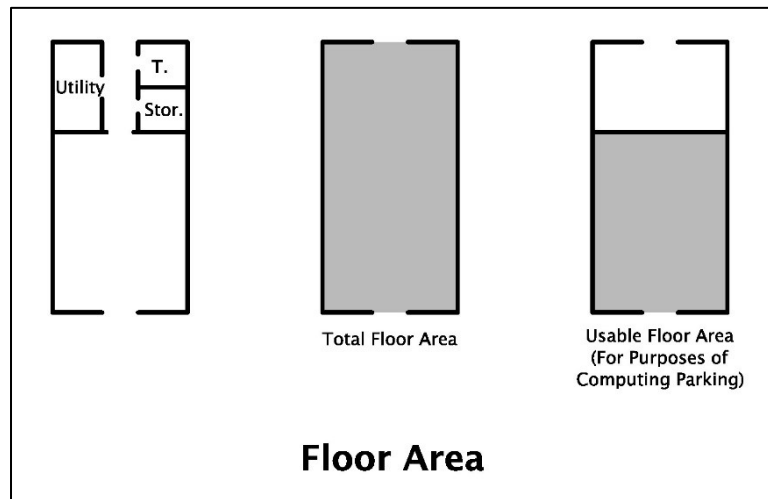
**Floor area, net:** Measurement of the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms, and closets.

**Residential floor area:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and/or unenclosed porches.

**Nonresidential building floor area:** Measurement of the gross floor area shall be the sum of all the horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.



**Floor area ratio:** The gross building square footage divided by the square footage of the lot.



**Frontage:** The portion of any parcel or lot which abuts a legally accessible road right-of-way. All lots or parcels shall have frontage on a public or private road.

**Garage, private:** An accessory building not over one story or 15 feet in height used for parking or storage of motor vehicles, but not for commercial servicing or repair.

**Gasoline service station:** Is a place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.

**Grade:** Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance.

**Group "A" cabaret:** A group "A" cabaret is an establishment where materials are provided or entertainment is presented or performed which is distinguished or characterized by an emphasis on, or related to, "specified sexual activities" or "specified anatomical areas," as defined in this section, for observation by persons or patrons therein.

**Home occupation:** Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, who use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided, further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery,

outdoor storage, or signs not customary in residential areas, except those customarily used by such home occupation.

**Hospital, General:** A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, outpatient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment.

**Impervious material:** Any material that substantially reduces or prevents the infiltration of water.

**Impervious Surface:** A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

**Junk:** Means the miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including ashes, tin cans, glass, scrap metals, rubber, paper and rags.

**Junkyard:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. Junk shall include, but not [be] limited to, rubbish, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Kennel:** Any lot or premises on which three or more dogs or cats are either permanently or temporarily boarded for the purpose of remuneration or sale.

**Loading space:** An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lodging facility:** A facility such as a motel or hotel, which provides living and sleeping accommodations for transient occupancy for a fee. The following additional definitions shall apply:

**Hotel:** A building or structure or part thereof, occupied as a temporary abiding place of individuals, in which the facility is accessed from a common entrance to a lobby and individual rooms are accessed internally. The word "hotel" shall not include "motel."

**Motel:** An establishment providing sleeping accommodations for a fee with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Public lodging facility:** Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests or advertised as rented to guests as a transient or non-transient establishment.

**Lot:** Is a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

**Lot area:** The total horizontal area within the lot lines of the lot.

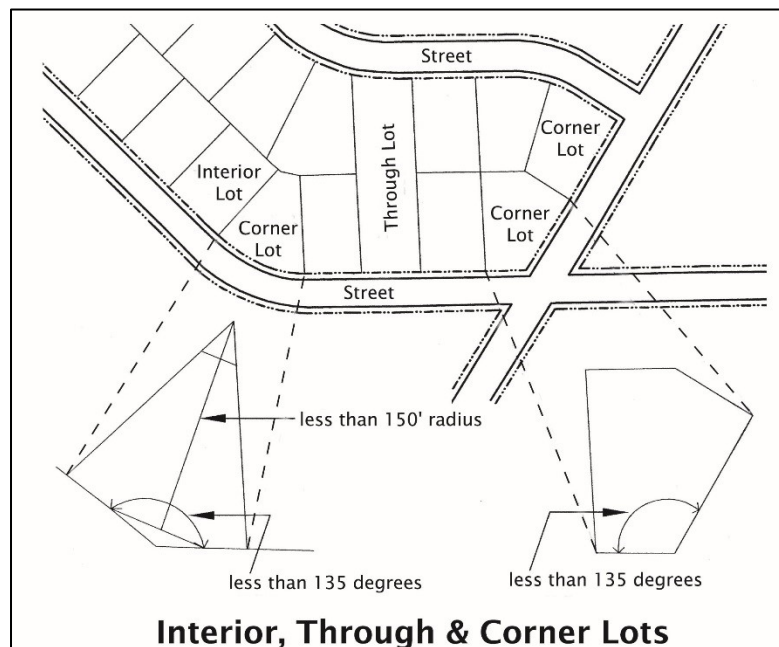
**Lot corner:** A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

**Lot coverage:** The part or percent of the lot occupied by buildings, including accessory buildings.

**Lot depth:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

**Lot, double frontage:** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot, interior:** Any lot other than a corner lot. (See the diagram.)



**Lot lines:** The lines bounding a lot as defined herein.

**Lot line, front:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit or zoning compliance permit.

**Lot line, rear:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot.

**Lot line, side:** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of record:** Is a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

**Lot width:** The horizontal distance between the side lot lines measured at the two points where the building line or setback intersects the side lot lines.

**Major thoroughfare:** An arterial street which is intended to serve as a large-volume traffic-way for both the immediate city area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. For the purposes of this ordinance, major thoroughfares shall be considered to be section line roads and roads of 120 feet right-of-way or more.

**Manufacturing and processing:** An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

**Manufactured home:** Any structure, transportable in one (1) or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured housing does not include recreational vehicles or equipment.

**Manufactured home park:** A parcel or tract of land under the control of a person on which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

**Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information require by Section 8 of the Condominium Act, Public Act No. 59 of 1978.

**Master plan:** Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City of Center Line, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the city council.

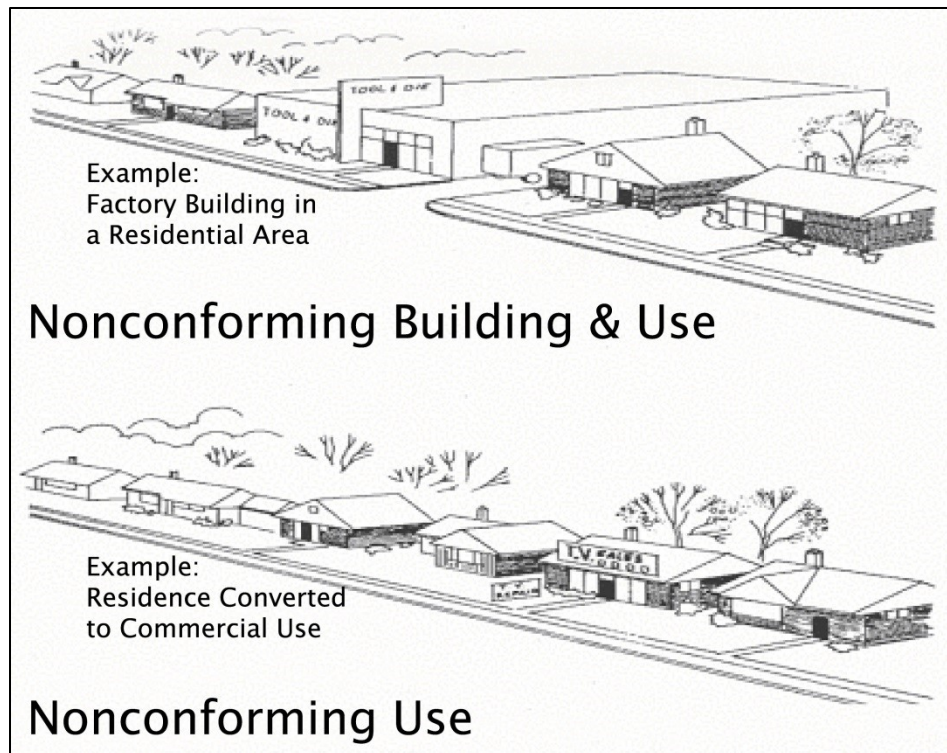
**Mezzanine:** Is an intermediate floor in any story occupying an area not to exceed one-third of the floor area of such story.

**Mixed use:** A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio and a dwelling unit on the upper floors.

**Nonconforming building or structure:** Any building or structure lawfully established which does not comply with all the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the district in which such building or structure is located.

**Nonconforming lot:** Is one that, at the time of its establishment, met the minimum lots size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.

**Nonconforming use:** Any use thereof or the use of land that does not conform with the regulations of this comprehensive amendment or any amendments thereto governing use of the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.



**Off-street parking lot:** A facility other than for one-family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**Open front store:** A business establishment, other than a drive-in gasoline service station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter said building.

**Open Space:** A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio-retention facilities. Open space shall not include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

**Open space, common:** Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

**Parking space:** Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Places of Assembly:** Unless otherwise identified and defined by this Ordinance, “places of assembly” means any building, structure, and/or grounds where groups of more than twenty (20) people meet or are assembled. Places of assembly shall include, but are not limited to auditoriums, lecture halls, stadiums, sports arenas, convention spaces, and other similar facilities.

**Place of worship:** A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

**Planned Unit Development (PUD):** A development consisting of a combination of land uses in which the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Ordinance.

**Planning Commission:** The Planning Commission of the City of Center Line.

**Private home:** A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

**Public utility:** Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**Recreational equipment:** Travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles, horse trailers, dune buggies and other similar equipment.

**Restaurant:** A public eating house where food or beverage is served on non-disposable containers.

**Restaurant, carry-out:** A business establishment for the selling of food or beverage which is served in disposable containers or wrappers for consumption exclusively off the premises.

**Restaurant, drive-in/fast food:** A business establishment for selling of food or beverage which is served in disposable containers or wrappers. Such food or beverage may be consumed inside or outside of the building in motor vehicles or carried out for consumption off of the premises.

**Retail sales:** An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Right-of-way:** A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

**Senior housing:** An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Housing for seniors may include:

**Independent living:** A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.

**Congregate care:** A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.

**Assisted living:** A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.

**Convalescent home:** A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as “nursing home”.

**Setback:** The distance required to obtain front, side or rear yard open space provisions of this ordinance.

**Self-storage facility:** A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office, and/or local commercial activities.

**Sign:** Any structure or part thereof, or devise attached thereto or painted or represented thereon, or any material or thing, illuminate or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, code mark or other representation used as or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization place, commodity, service, business, profession, or industry , or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises.

**Solar energy collector:** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

**Building-mounted:** A solar energy collector attached to the roof or wall of a building or which serves as the roof, wall or window or other element, in whole or in part, of a building.

**Ground-mounted:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

**Active Structure:** A structure which utilizes mechanically-operated solar collectors to collect, transfer or store solar energy.

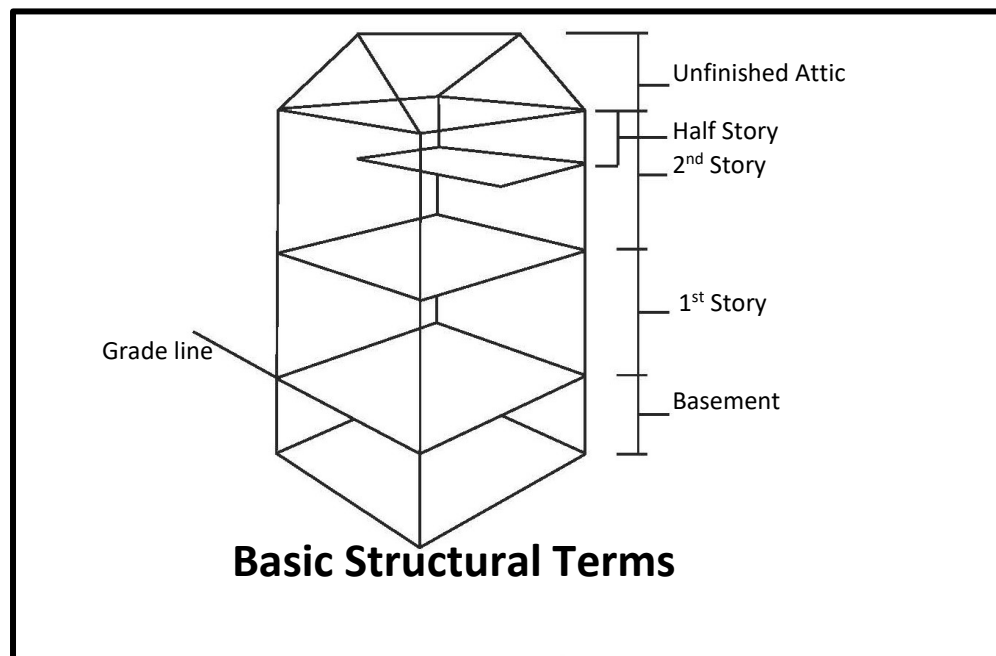
**Passive Structure:** A structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

**Special approval uses:** A land use or an activity which, under certain circumstances, might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but



which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the city which provide protection to land uses. A land use which is permitted in a zoning district only after review and approval of the planning commission.

**Story:** Is that part of a building (except a mezzanine as defined herein) included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent by cubic content is below the height level of the adjoining ground. (See the diagram.)



**Story, half:** Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet six inches.

**Street:** Is a public or officially recognized private thoroughfare which affords the principal means of access to abutting property, but not including driveways to buildings. An alley shall not be considered a street.

**Structure:** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Substance abuse clinic:** A facility providing detoxification or treatment for persons suffering ill effects from alcohol or drugs.

**Substantial improvement:** Means any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, as before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building occurs, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Temporary building or use:** A use or building permitted by the building department or zoning board of appeals to exist during period of construction of the main building or use, or for special events.

**Tents:** Portable shelter of canvass, coarse cloth, etc., supported by one or more poles, but not including those used solely for children's recreational purposes.

**Use:** Is the purpose for which land or a building is designed, arranged, or intended, or for which land or a building is or may be occupied.

**Use, accessory:** Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

**Use, primary:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Wall (fence):** A completely obscuring structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

**Variance:** Is a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property for which the variance is granted. A variance is permanent regardless of change of ownership.

**Area variance:** An area variance is a request for a modification from the literal provisions of the zoning ordinance relating to height, size, or setback. An area variance may be granted upon a showing that there are practical difficulties associated with compliance with the strict terms of the ordinance.

**Use variance:** A use variance is a request for modification of the literal provisions of the zoning ordinance regulating the use of property. The granting of a use variance is disfavored. A use variance may be granted only upon a showing that unnecessary hardship will result from strict compliance with the terms of the zoning ordinance. An unnecessary hardship only results where it would be arbitrary and unreasonable or confiscatory to require that the property be put to a use in conformance with the zoning ordinance.

**Wind Energy Conversion System (WECS):** Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy. WECS shall fall within two (2) classifications: on-site or commercial, and shall typically be defined as horizontal-axis or vertical-axis:

**Commercial wind energy conversion system:** Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

**On-site wind energy conversion system:** A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

**Horizontal-axis wind energy conversion system:** Conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.

**Vertical-axis wind energy conversion system:** Systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.

**Wireless communication facilities:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

**Collocation:** Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

**Wireless communication antenna (WCA):** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A

wireless communication support structure proposed to be newly established shall not be included within this definition.

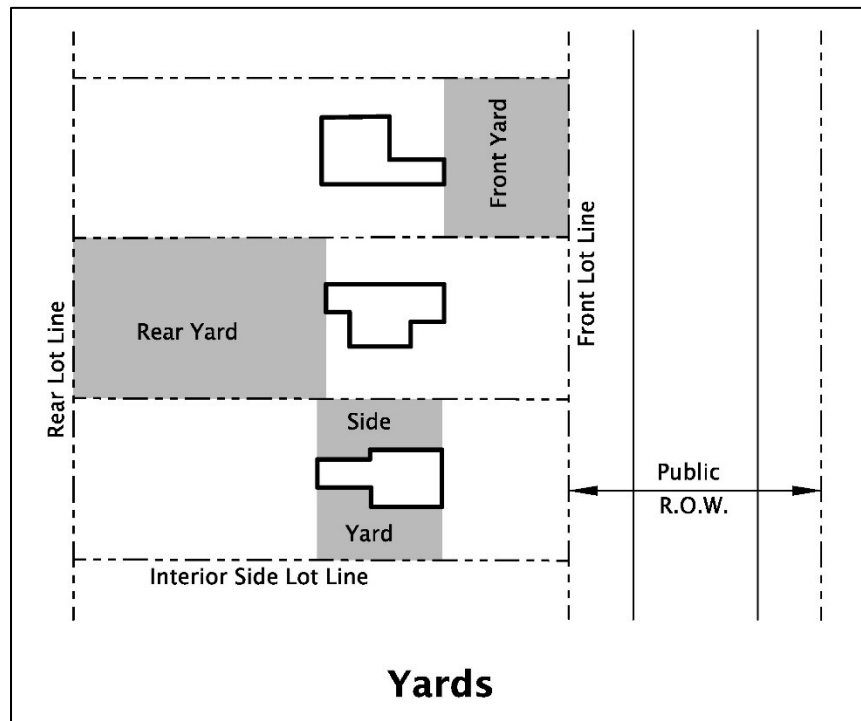
**Wireless communication support structures:** Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**Yards:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:

**Front yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

**Rear yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

**Side yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See the diagram.)



**Zoning Enabling Act:** The Michigan Zoning Enabling Act, as amended, MCL 125.3101 et seq. as adopted by Public Act 110 of 2006.

## **ARTICLE III. ZONING DISTRICTS AND REGULATIONS**

### **SECTION 300. PURPOSE.**

For the purpose of this ordinance, the City of Center Line is hereby divided into the following districts:

R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS

R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

B-1A CITY CENTER REDEVELOPMENT DISTRICT

B-1B VAN DYKE CORRIDOR DISTRICT

B-2 TEN MILE CORRIDOR DISTRICT

CC COMMUNITY CENTER DISTRICT

M-1 LIGHT INDUSTRIAL DISTRICT

M-2 HEAVY INDUSTRIAL DISTRICT

NT NEIGHBORHOOD TRANSITION DISTRICT

## SECTION 301. SCHEDULE OF LAND USE.

In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

The Schedule of Use Regulations identifies uses as follows:

“P” identifies uses permitted as of right.

“S” identifies uses requiring special approval.

“A” identifies accessory uses.

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
<b>Residential</b>											
Accessory buildings and uses customarily incidental	P	P	P	P	P	P	P	P	P	P	Art. III
Adult foster care large group home (Nursing and Convalescent Homes, Foster Care Large Group Homes, and Assisted Living Facilities)		S	S								Sec. 401
Child and adult residential care facilities of the following nature or as licensed by the State of Michigan: a. Adult foster care family home [six (6) or fewer adults]. b. Foster family home [four (4) or fewer children per 24 hours per day]. c. Foster family group home [five (5) to six (6) children 24 hours per day]. d. Family daycare home [six (6) or fewer children less than 24 hours per day]	P	P	P								Art. III
Child and adult residential care facilities of the following nature or as licensed by the State of Michigan (Child Care Center, Group Day Care, Nursery Schools, Day Nurseries, Pre-Schools)	S	S	S								Sec. 401

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
Dwelling, multiple-family		P	P				P			P	Sec. 401
Dwelling, multiple-family in excess of three (3) stories			P				P				Art. III
Dwelling, one-family detached	P									P	Sec. 401
Dwelling, one-family attached		P	P							P	Art. III
Dwelling, two-family		P	P							P	Sec. 401
Home occupations	P										Sec. 401
Manufactured housing parks		P	P								Sec. 401
Senior Assisted/Independent Living							P				Sec. 401
<b>Recreation</b>											
Commercially used indoor recreational space				S	S	P	P	P	P		Art. III
Commercially used outdoor recreational space					S	S	P				Sec. 402
Private noncommercial recreational areas, institutional or community recreation centers	S	S	S	S	S	P	P	P			Sec. 402
Publicly owned and operated parks, parkways, and recreational facilities	P	P	P	P	P	P	P	P	P	P	Art. III
<b>Institutional</b>											
Business schools or private schools operated for profit						P					Sec. 403
General hospitals			S								Sec. 403
Nursery schools, day nurseries and child care centers	S	S	S	S	P	P	S				Sec. 403

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
Nursing and Convalescent Homes, Adult Foster Care Large Group Homes		S	S								Sec. 403
Place of Worship	S	S	S	S	S	S	S				Sec. 403
Public, parochial and private elementary, intermediate schools, and/or high schools offering courses in general education not operated for profit	S	S	S								Sec. 403
Substance abuse clinic					S	S		S	S		Sec. 403
<b>Retail, Entertainment, and Service</b>											
Adult Regulated Uses (Adult supply store, Adult motion picture theater, Arcades, Bar or lounge, Group "A" cabarets, Pool or billiard halls)						S		S	S		Sec. 404
Brewpub				P	P	P					Art. III
Bowling Alley					S	S					Art. III
Building Supply Store, Garden Center, Nursery retail only. No wholesale or contractors					P	P					Art. III
Consignment and second-hand retail shop				S	P	P					Art. III
Dance, music, art, and recreation studios				P	P	P	P				Art. III
Dry cleaners and laundry				P	P	P	P				Art. III
Funeral Homes, Mortuaries and Crematoriums				P	P	P					Sec. 404
General Retail			A	P	P	P	P				Art. III



Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
Health Club/Fitness Center			A				P				Art. III
Hotel					S	S	S				Art. III
Kennel, commercial						S		P	P		Art. III
Large Format Retail					P	S					Art. III
Microbrewery				S	S	S					Art. III
Motel						S					Sec. 404
Open air business					S	S					Sec. 404
Open front store				S	S	S					Art. III
Outdoor Sales or Display Area for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Building Supplies, Equipment, Boats, Merchandise or Similar Items					S	S					Sec. 404
Outdoor sales space for sale of products not associated with the principal use permitted					S	P					Art. III
Outdoor Storage						S		S	S		Art. III

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
Personal service			A	P	P	P	P				Art. III
Private clubs or lodges					S	P		P	P		Sec. 404
Restaurant, Drive-Through					S	S					Sec. 404
Restaurant, Fast Food				S	P	P	P				Art. III
Restaurant, Standard				P	P	P	P				Art. III
Shopping Center					P	S					Sec. 404
Small distiller				S	S	S					Art. III
Small wine maker				S	S	S					Art. III
Theaters/Places of Assembly				S	P	P	P				Art. III
<b>Office</b>											
Business Services				P	P		P				Art. III
Medical Clinic					P	S					Art. III
Municipal office buildings or libraries when in character with the neighborhood	S	S	P	P	P	P	P				Art. III
Office, general				P	P	P	P				Art. III
Office, medical				P	P	P	P				Art. III
Office, veterinary				P	P	P					Art. III
Veterinary Clinic/Hospital					S	S					Art. III

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
<b>Industrial</b>											
Automobile or other machinery assembly plants								S	P		Art. III
Central Dry Cleaning/Laundry Plants								P	P		Art. III
Data Processing and Computing Centers								P	P		Art. III
Food Processing								P	P		Art. III
Hazardous Material Storage									P		Sec. 406
Heavy Manufacturing and Assembly									P		Art. III
Industrial Uses in Commercial Districts				A	A	A					Sec. 406
Laboratories						S		P	P		Art. III
Landscaper/Contractors Yard								P	P		Art. III
Light Manufacturing and Assembly								P	P		Art. III
Lumberyards, building material outlets, cabinet maker, upholsterer								P	P		Art. III
Material Distribution Facility								P	P		Art. III
Prototype or experimental product research and development								P	P		Art. III
Printing and Publishing								P	P		Art. III
Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items									P		Sec. 406
Outdoor Storage of Equipment, Products, Machinery, Landscaping or Building Supplies, or Similar Items								S	P		Sec. 406

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
Recycling Collection Facilities and Composting Centers									P		Sec. 406
Self-Storage Facility						S		P	P		Sec. 406
Tool and Die/Plating Shops								P	P		Art. III
Trade Contractors, Home Service and Repair						S		P	P		Art. III
Warehousing and wholesale establishments, and trucking facilities								P	P		Sec. 406
<b>Automobile/Transportation</b>											
Automobile repair garages						S		P	P		Sec. 407
Automobile wash						S					Sec. 407
Bus Passenger Station				S	P	P					Art. III
Gasoline service station					S	P					Sec. 407
Pump Island Canopy					S	S					Sec. 407
New and used auto office, sales, or showroom					P	P					Art. III
Off-street parking lot or structure					S	P	P				Sec. 407
Outdoor boat and house trailer sale and storage						S		P	P		Art. III
Outdoor sales of new or used vehicles					S	S					Art. III
Vehicle rental						S	S	P	P		Art. III

Uses	R-1 + R-2	R-M	RM-1	B-1A	B-1B	B-2	CC	M-1	M-2	NT	Special Provisions Section
<b>Miscellaneous</b>											
Mixed-use commercial/office/residential buildings				P	P	P	P				Sec. 408
Temporary structures and uses	S	S	S								Sec. 408
Utility and public service buildings and facilities (without outdoor storage yards)	S	S	S	S	P	P	S	P	P	S	Sec. 408
Utility and public service buildings and facilities (with outdoor storage yards)								P	P		Sec. 408
Wireless Communication Facilities							S	S	S		Sec. 408

### SECTION 302. BOUNDARIES.

The boundaries of these districts are hereby established as shown on the zoning map, as amended, which accompanies this zoning ordinance and which map with all notations, references and other information shown thereon shall be as much a part of this ordinance as if fully described herein.

Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads or such lines extended, and the limits of the City of Center Line.

### SECTION 303. INTERPRETATION.

Where, due to the scale, lack of detail or illegibility of the zoning map accompanying this ordinance, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion by, the zoning board of appeals.

The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use

A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of the Zoning Map, classifications of any property or Zoning Ordinance text.

## **SECTION 304. ZONING OF VACATED AREAS.**

Whenever any street, alley or other public way within the City of Center Line shall be vacated, such street, alley or other public way or portion thereof shall be classified by the city council.

## **SECTION 305. DISTRICT REQUIREMENTS.**

All buildings and uses in any district shall be subject to the provisions of Article VIII, General Provisions and Article IX, General Exceptions.

### **R-1, R-2, R-M and RM-1 RESIDENTIAL DISTRICTS**

## **SECTION 306. R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS.**

**(A) Intent.** The Master Plan recognizes that one-family residential neighborhoods are vital components of the City, and comprise the majority of the land area within the City. The intent of the R-1 and R-2 Districts is to provide areas for one-family dwellings with the primary distinction being a range of densities, implemented through varying lot sizes. The R-1 and R-2 Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses which support residential neighborhoods.

### **(B) Area and Bulk Regulations**

#### **R-1 One-Family:**

Minimum area of lot per dwelling unit: 9,600 square feet  
Minimum width of lot per dwelling unit: 80 feet  
Maximum height structures: 2 stories or 25 feet  
Minimum front setback: 25 feet  
Minimum side setback: 5 feet  
Minimum total of sides: 15 feet  
Minimum rear setback: 35 feet  
Minimum floor area per unit: 1,200 square feet  
Maximum lot coverage (area of all building): 25%

#### **R-2 One-Family:**

Minimum area of lot per dwelling unit: 5,500 square feet  
Minimum width of lot per dwelling unit: 50 feet  
Maximum height: 2 stories or 25 feet  
Minimum front setback: 25 feet  
Minimum side setback: 3 feet  
Minimum total of sides: 12 feet  
Minimum rear setback: 35 feet  
Minimum floor area per unit: 1,050 square feet  
Maximum lot coverage (area of all building): 30%

## SECTION 307. R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

**(A) Intent.** The R-M multiple-family residential district is designed to provide sites for multiple dwelling structures which will generally serve as zones for transition between the nonresidential districts and lower density one-family districts. The multiple dwelling is further provided to serve the limited needs for the apartment type of unit in an otherwise one-family residential community.

### **(B) Area and Bulk Regulations**

Maximum height: 2 stories or 25 feet  
Minimum front setback: 30 feet  
Minimum side setback: 10 feet  
Minimum total of sides: 20 feet  
Minimum rear setback: 30 feet  
Maximum lot coverage (area of all building): 35%

## SECTION 308. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

**(A) Intent.** The RM-1 multiple-family residential districts (high-rise) are designed to provide sites for high-density multiple-dwelling structures adjacent to high traffic areas commonly found in proximity to nonresidential development areas abutting major thoroughfares. This district is further provided to serve the residential needs of persons desiring the apartment type of accommodation as opposed to the residential patterns found in the one-family and R-M multiple-family residential districts.

### **(B) Area and Bulk Regulations**

Minimum front setback: 40 feet  
Minimum side setback: 40 feet  
Minimum total of sides in feet: 80 feet  
Minimum rear setback: 40 feet  
Maximum lot coverage (area of all building): 25%

<sup>1</sup>Refer to Section 316. Area and Bulk Regulations Applied to Multiple Districts for additional requirements.

<sup>2</sup>Refer to ARTICLE IV. SPECIAL LAND USE PROVISIONS for additional requirements.

## B-1A, B-1B, B-2 and CC BUSINESS and MIXED-USE DISTRICTS

## SECTION 309. B-1A CITY CENTER REDEVELOPMENT DISTRICT.

**(A) Intent.** The B-1A City Center Redevelopment District is designed to foster a business friendly redevelopment climate; encourage pedestrian use; connect to the adjacent neighborhoods strengthen the public right-of-way space; and create an orderly and cohesive visual image. The district promotes broader limits on land usage with an emphasis on retail, office, higher-density residential, mixed-use developments, high-quality architecture, gateway features, and pedestrian-friendly design. Form-based provisions focus greater emphasis on physical

development and building form to create a sense of place and contribute to the overall image of the city.

- (B) The B-1A district recognizes the importance of Van Dyke Avenue as both a gateway into and the main corridor through the city and is designed to implement the goals of City of Center Line Master Plan.

Specifically, the B-1A district will do the following:

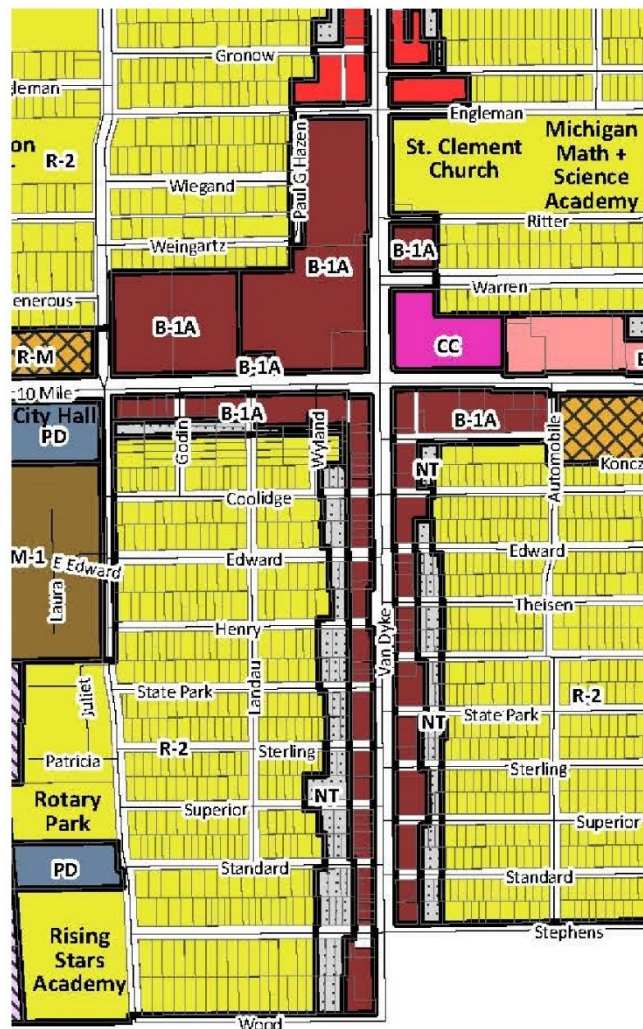
1. Create a sense of place and an identity for Center Line through unique streetscape elements, pedestrian-oriented design, attractive architecture and pedestrian spaces;
2. Improve the economic development potential of the entire district by permitting mixed-use development and utilizing placemaking strategies;
3. Limit the impact of off-street parking areas which interrupt the flow and consistency of the “street edge.” Orient building entrances and storefronts to the street to add visual interest, increase pedestrian traffic, and create memorable outdoor spaces;
4. Visually distinguish Van Dyke Avenue from the rest of Center Line;
5. Encourage attractive higher-density multi-family residential development that promotes traditional urban form and walkability and support adjacent commercial and office uses;
6. Improve public health, safety and welfare by reducing the number of traffic hazards, reducing the number of pedestrian and vehicular conflict points, and improving emergency vehicle access and circulation. Encourage collaboration between adjacent property owners in the form of shared access and lot combinations;
7. Allow flexibility in adjusting strict dimensional requirements if such adjustments enhance the intent of the B1A City Center Redevelopment District;

### **Section 309.02 – Van Dyke Avenue District Boundaries**

The boundaries of the B-1A district are displayed on the official zoning map and illustrated in Figure 1:

*Figure 1. – B-1A City Center Redevelopment District and adjacent zoning districts.*





	B-1A City Center Redevelopment District		PD Planned Development
	B-1B Van Dyke Corridor District		R-1 One Family Residential
	B-2 Ten Mile Corridor Business		R-2 One Family Residential
	CC Community Center		R-M Multiple Family Residential
	M-1 Light Industrial		RM-1 Multiple Family Residential (High Rise)
	M-2 Heavy Industrial		
	NT Neighborhood Transition		

## ZONING

City of Center Line, Macomb County



April 2, 2017  
Source: Macomb County  
Carlisle/Wortman Associates, Inc.  
Ann Arbor, Michigan

### Section 309.03 – Applicability

(A) The requirements of the B-1A district shall apply to any new use, structure, or building addition that requires full site plan approval pursuant to Section 1000., with the following exceptions:

1. Continuation of an existing use permitted at the date of adoption of this ordinance, which shall be granted conforming land-use status, pursuant to Section 801.
2. Uses, structures, structural expansions or other site alterations that can be accommodated through the administrative site plan review process, pursuant to Section 1000.

(B) The planning commission shall have the authority to adjust the standards of Sections 309 and 408 during the site plan review stage upon consideration of the following:

1. The standards provided herein would prevent reasonable development of the site due to the size of the parcel, limited circulation or right-of-way, existing structures on-site or the location of utilities.
2. Demonstration by the applicant that the site design will improve pedestrian features beyond the requirements of this article.
3. Demonstration by the applicant that architectural or design elements not otherwise permitted in the B-1A district would enhance the overall economic potential of the district and meet the intent of the district.

(C) Where the standards of this article conflict with other articles of the zoning ordinance, the standards of this article shall take precedence.

#### **Section 309.04 – Uses Permitted**

Permitted uses within the B-1A City Center Redevelopment District shall be restricted to those listed as either permitted principal, special approval, or accessory uses in the schedule of land use in Section 301.

#### **Section 309.05 – B-1A Use Standards**

(A) Uses are subject to the area and bulk regulations of Sections 310 and 316.

(B) Uses are subject specific land use provisions of Section 408.

- (C) Public utility uses shall, to the extent practicable, be fully or partially enclosed and shall have an exterior appearance harmonious with the general character of the neighborhood, including architectural treatment, landscaping, screening and/or fencing.

### **Section 309.06 – Development Regulations**

- (A) Buildings and sites within the Van Dyke Avenue District shall be developed in a manner which contributes to the character of the corridor by maximizing the value of property and creating a traditional “street wall.”

#### **(B) Area and Bulk Regulations**

1. Maximum height: 3 stories or 40 feet
2. Front setback line: 0-10 feet. Planning commission may extend this dimension to 60 feet for parking and landscaping adjacent to sidewalk
  - (a) Minimum side setback: 0 feet
  - (b) Minimum rear setback: 20 feet inclusive of half of the public alley where applicable.

- (C) In cases where minimum setbacks interfere or conflict with applicable building or fire codes, the building and fire codes shall take precedence.

- (D) The first floor of structures shall be at least ten (10) feet in height as measured from floor level to the underside of the ceiling.

- (E) Buildings may be permitted additional building height per the bonus provisions of Section 309.07.

- (F) The planning commission may permit a single row of parking or an access aisle within the front yard setback per Section 408.

### **309.07 – Bonus Provisions**

Situations may occur where it is in the best interest of the private landowner and the City of Center Line to exceed or fall short of the standards of this chapter. In such situations, the City’s interests in upholding its vision can be met by the following standards and incentives.

#### **(A) Bonus Height Eligibility Standards:**

Buildings are eligible for a height bonus of up to one (1) additional story and/or fifteen (15) feet where two (2) or more of the following standards criteria are met.

1. The bonus story shall be stepped back to reduce the appearance of excessive height.
2. A mixed-use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the building's floor area is residential.
3. Dedication of an improved public plaza or open space including, but not limited to, decorative lighting, landscaping, pavement, arches and furnishings which ties into the district's main pedestrian circulation system.
4. A covered bicycle rack comprising at least five (5) stalls located adjacent to a building's main pedestrian entrance. Bicycle racks shall not encroach into pedestrian walkways or vehicle areas.
5. Installation of streetscape furnishings, including street trees, tree grates, decorative lighting, or street furniture. Street furniture shall include, but is not limited to:
  - (a) A permanently mounted seating fixture constructed of decorative metal.
  - (b) A permanently reserved planting bed with defined, durable edges.
6. Through-block pedestrian connections providing a continuous walkway accessible to the public (covered or open);
7. Other public amenities as deemed appropriate by the planning commission.

(B) Parking Reduction Eligibility Standards:

Off-street parking lots are eligible for up to a twenty percent (20%) reduction in numerical parking requirements where one **(1) or more** of the following criteria are met:

1. A shared parking/shared site access arrangement with adjacent properties. Shared parking arrangements shall meet the standards of Section 408.
2. Parking area is provided entirely within the rear yard, screened from the right-of-way.

Other site improvements as deemed appropriate by the planning commission.

### **SECTION 310. B-1B VAN DYKE CORRIDOR DISTRICT.**

**(A) Intent.** The B-1B Van Dyke corridor district is designed to cater to the needs of a larger consumer population with a greater reliance on passerby traffic. This district also considers mixed use, mass transit, pedestrian accessibility, and connections to the adjacent neighborhoods important to long-term viability.

### **(B) Area and Bulk Regulations**

Maximum height: 3 stories or 40 feet  
4 stories or 60 feet for property 200 feet or greater in depth  
Minimum front setback: 0 feet  
Minimum side setback: 0 feet  
Minimum rear setback: 20 feet inclusive of half of the public alley where applicable.

## **SECTION 311. B-2 TEN MILE CORRIDOR DISTRICT.**

**(A) Intent.** The B-2 Ten Mile corridor district is established to provide sites for more diversified business types incompatible with pedestrian traffic and is often located so as to serve the passerby traffic. This district is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses incompatible with the pedestrian-oriented character and scale.

### **(B) Area and Bulk Regulations**

Maximum height: 2 stories or 30 feet  
Minimum side setback: 0 feet  
Minimum front setback: 10 feet  
Minimum rear setback: 20 feet

## **SECTION 312. CC COMMUNITY CENTER DISTRICT.**

**(A) Intent.** The CC community center district is designed to provide sites for a variety of high-intensity office, multiple-residential, retail and service establishments which occupy prime frontages at the intersection of major thoroughfares.

The CC community center district is further intended to provide for combining high-rise office, high-rise multiple-dwelling, and retail uses in a planned development, and to encourage innovations and variety in type, design and arrangement of such uses.

The district is further designed to provide an intensive character of development through vertical building construction, which will tend to strengthen the city's economic base and to provide the city's tax revenue on which, to a great extent, the general welfare of the city depends.

### **(B) Area and Bulk Regulations**

Minimum front setback: 40 feet  
Minimum side setback: 40 feet  
Minimum total of sides: 80 feet  
Minimum rear setback: 40 feet  
Maximum lot coverage (area of all building): 25%

<sup>1</sup>Refer to Section 316. Area and Bulk Regulations Applied to Multiple Districts for additional requirements.

<sup>2</sup>Refer to ARTICLE IV. SPECIAL LAND USE PROVISIONS for additional requirements.

## M-1 and M-2 INDUSTRIAL DISTRICTS

### SECTION 313. M-1 LIGHT INDUSTRIAL DISTRICT.

**(A) Intent.** The M-1 light industrial district is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

#### **(B) Area and Bulk Regulations**

Maximum height: 40 feet

Minimum front setback: 30 feet

Minimum side setback: 20 feet

### SECTION 314. M-2 HEAVY INDUSTRIAL DISTRICT.

**(A) Intent.** The M-2 heavy industrial district is designed primarily for manufacturing, assembling, and fabrication activities including large-scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.

#### **(B) Area and Bulk Regulations**

Maximum height: 60 feet

Minimum front setback: 50 feet

Minimum side setback: 30 feet

<sup>1</sup>Refer to Section 316. Area and Bulk Regulations Applied to Multiple Districts for additional requirements.

<sup>2</sup>Refer to ARTICLE IV. SPECIAL LAND USE PROVISIONS for additional requirements.

## NT TRANSITION DISTRICT

### SECTION 315. NT NEIGHBORHOOD TRANSITION DISTRICT.

**(A) Intent.** The NT Neighborhood Transition District is designed to merge the mix of low-density residential uses with parking expansion for business. Criteria established in this ordinance intends permit the co-existing of these two use types without creating negative effects on either. The district recognizes that nonresidential uses may not be able to provide adequate space within their own district boundaries but not at the detriment of current and future residents within and adjacent to the district.

#### **(B) Limitation of use.**

(1) Residential uses must follow dimensional, area and bulk requirements of the comparable zoning district in which the use is permitted.

(2) The parking area shall be accessory to, and for use in connection with, one or more business or industrial establishments, or in connection with one or more existing professional or institutional office buildings or institutions.

(3) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day, and shall not be used as an off-street loading area.

(4) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

(5) No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.

(6) No building other than those for shelter of attendants shall be erected upon premises, and they shall not exceed 15 feet in height.

(7) Such parking lots shall be contiguous to an R-M, B-1A, B-1B, B-2, M-1 or M-2 district, and in all cases shall be adjacent successive lots from the above-mentioned use districts or the adjacent successive lots from either end of a block where lots front on a street parallel to and at the rear of a business or industrial block. There may be a private driveway or public street or public alley between such NT district and such R-M, B-1A, B-1B, B-2, M-1 or M-2 district.

**(C) Entrance and exit.**

(1) Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through R-M, B-1A, B-1B, B-2, M-1 or M-2 districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.

(2) Each entrance and exit to and from such parking lot shall be at least 20 feet distant from any adjacent property located in any residential district.

**(D) Minimum distances and setbacks.**

(1) Side and rear yards. Where a parking area in a NT district is contiguous to the side and or rear lot lines of residential premises within a residentially or NT zoned district, the required wall shall be located along said lot line.

(2) Front yards. Where a parking area in a NT district is contiguous to a residentially or NT zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a minimum setback of ten feet. The required wall shall be located on this minimum setback line. The area contained within the ten-foot setback area shall be appropriately landscaped and maintained as determined by the planning commission.

**(E) Screening and landscaping.**

(1) The parking area shall be provided with a continuous and obscuring wall four feet in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is a residential or NT district. Whenever such wall is required, any land between said wall and boundaries of the parking area shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at 30-foot intervals, six feet from wall. The ground area shall be planted and kept in lawn.

All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. Variations from the above landscape standards may be negotiated between the applicant and the planning commission where appropriate.

(2) All planting plans shall be submitted to the planning commission for approval as to suitability of planting material and arrangement thereof, in accordance with the provisions of paragraph (1) and in accordance with Section 805 of this ordinance.

(3) At its discretion, the City of Center Line may require a performance bond to be refunded to the applicant after all landscaping is satisfactorily installed. The amount of the bond shall be equal to the estimated cost of landscape improvements.

**(F) Surface of parking area.**

(1) The parking area shall be provided with pavement having an asphaltic or portland cement binder so as to provide a permanent, durable, and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.

(2) The parking area shall be surfaced within one year of occupancy of the use it is to serve if it is for a new use, and within six months of the effective date of rezoning for NT Neighborhood Transition use if the parking area is to serve an existing use or uses.

**(G) Lighting.** Where lighting facilities are provided, they shall be so arranged as to reflect the light away from all residential districts.

**(H) Approval and modifications.**

(1) The zoning board of appeals, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(2) In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

(3) One-family dwellings may be allowed to be constructed within the NT district, provided that they meet the minimum lot, yard, height and floor area requirements of the R-2 one-family residential zone.

## **SECTION 316. AREA AND BULK REGULATIONS APPLIED TO MULTIPLE DISTRICTS.**

**(A) Continued Conformity with Bulk Regulations.** The maintenance of setback, height, floor area ratio, coverage, open space, manufactured housing park, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or structure is in existence. Furthermore, no setback, height, floor area ratio, coverage, open space, manufactured housing park, transition strip, lot area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building, or structure.



**(B) Division of a Lot.** No one (1) lot, once designated and improved with a building or structure, shall be reduced in area, or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division, or sale, and designated and improved with a building or structure, shall conform to all of the bulk and yard regulations of the zoning district in which it is located.

**(C) Setbacks and Yard Requirements.** The setback and yard requirements established by this Ordinance shall apply to every lot, building, or structure, except for the following structures, which may be located anywhere on any lot:

- (1) Unroofed masonry or concrete terraces and patios which are at the same level as the adjacent grade.
- (2) Unroofed porches and decks except that said porches and decks may not occupy a required front setback.
- (3) Awnings, flagpoles, except as regulated in Section 901.
- (4) Light poles, hydrants, laundry drying equipment, arbors, trellises, portable recreational equipment, outdoor cooking equipment, sidewalks, private driveways in agricultural and one-family residential districts to include the parking of currently licensed and operational passenger vehicles, provided, however, that no more than one such vehicle may be offered for sale.
- (5) Trees, plants, shrubs, and hedges.
- (6) Anything to be constructed, erected, planted or allowed to grow shall conform to the provisions of Section 814.

**(D) Height.** The height requirements established by this Ordinance shall apply to every building and structure with the following exceptions provided their location shall conform to the requirements of Center Line, the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction:

- (1) Public utility towers, structures, transmission and distribution lines and related structures; radio and television broadcasting and receiving antennae; water towers; and wireless communication facilities where the aforementioned structures are permitted in the district therein located or are a conditional use in said district subject to the provisions of Section 803.
- (2) Spires, belfries, and silos provided that the overall height does not exceed one hundred fifty percent (150%) of the maximum permitted building height in the district therein located.
- (3) Chimneys, ventilators, skylights, and other necessary mechanical appurtenances provided that no mechanical enclosure or penthouse shall exceed twelve (12) feet in height above the roof deck.
- (4) Parapets not exceeding three (3) feet in height above the roof deck.
- (5) Architectural details incorporated into the façade(s) of a commercial or industrial structure provided that the overall height of any wall area extending above the maximum permitted height for the district therein located shall not exceed one hundred twenty-five percent (125%) of the permitted building height and shall not involve more than fifteen percent (15%) of the width of the front façade.

**(E) Where more than one building occupies a single lot or parcel, the following building relationship shall be maintained:**

<b>Building Relationships</b>	<b>Overall Distance Between Buildings (feet)</b>
Front to front	60
Front to side	40
Front to rear	60
Rear to rear	60
Rear to side	40
Side to side	20
Corner to corner	15

#### **SECTION 317. GENERAL REQUIREMENT FOR ALL DISTRICTS.**

Where a front yard of greater or lesser depth than above specified exists for dwellings or buildings on more than 50 percent of the lots of record on one side of a street in any single block, the depth of the front yard for buildings thereafter erected or enlarged in such block shall be not less, but need not be greater than, the average depth of the front yards of all existing dwellings within the block.

#### **SECTION 318. SIDE YARDS IN BUSINESS, MIXED-USE, AND INDUSTRIAL DISTRICTS.**

No side yards are required except as may otherwise be provided in the building or fire codes.

#### **SECTION 319. REAR YARD ABUTS A PUBLIC STREET.**

(A) When a rear yard abuts a public street, the minimum rear yard setback shall be ten feet.

(1) Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and or proposed right-of-way lines.

(2) No building shall be closer than 40 feet to the outer perimeter (property line) of such district when said property line abuts any residential district or a major or collector thoroughfare.

(3) Those uses allowed in the M-2 district under Section 314, shall meet all setback requirements of that section.

(4) No building shall be closer to the outer perimeter (property line) than the herein required side yard; except that along the interior side lot lines when said property line is adjacent to like use districts, a 12-foot setback shall be required.

(5) For all special approval uses in a residential district, the setbacks shall be equal to the height of the main building or the setbacks required in Section 301 or 307, whichever is greater.

(6) In yards abutting a local street adjacent to a one-family residential district, 50 percent of the minimum 40-foot setback shall be developed as a naturally landscaped area and planted in trees or tree-like shrubs in accordance Section 805.

(7) In the case of parcels bordering more than one street, the front yard shall be that yard abutting a major thoroughfare or the most heavily traveled street. Off-street parking may be allowed in a minimum 40-foot front yard setback provided that 50 percent of this setback is developed as naturally landscaped area.

(B) Said area shall be provided with a greenbelt of trees or tree-like shrubs constructed in accordance with Section 805. Within any other front yard area (in excess of 40 feet), 25 percent of the yard space shall be developed as a naturally landscaped area and planted in trees or tree-like shrubs in accordance with Section 805.

## **ARTICLE IV. SPECIFIC LAND USE PROVISIONS**

### **SECTION 400. PURPOSE.**

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to:

(A) Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.

(B) Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.

(C) Ensure that such uses will be compatible with surrounding land uses.

(D) Promote the orderly development of the district and the City as a whole.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

For the purpose of this ordinance, this Article is hereby divided into the following districts:

RESIDENTIAL USES

RECREATION USES

INSTITUTIONAL USES

RETAIL, ENTERTAINMENT, AND SERVICE USES

OFFICE USES

INDUSTRIAL USES

AUTOMOBILE/TRANSPORTATION USES

MISCELLANEOUS USES

## **SECTION 401. RESIDENTIAL USES.**

**(A) Dwelling, multiple-family.** Multiple-family dwellings shall comply with the following:

(1) Density. All Multiple-Family units shall meet the minimum lot width and maximum lot percentage specified for the zoning district in which the development is located.

(2) Architectural Details.

(a) Walls visible from a street or any other residential use shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish.

(b) All buildings shall have pitched roofs that may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.

(c) No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge line and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.

(d) The dwelling units shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to a minimum of ten (10) percent of the square footage of the dwelling unit, or 100 square feet, whichever is greater.

(e) Dwelling units shall be provided with an exterior building wall configuration that represents an average width to depth or depth to width ratio that does not exceed three to one (3:1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling.

(3) Frontage, Access and Vehicle Circulation. Multiple-Family developments shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the

City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

(a) All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots.

(b) Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the major thoroughfares or collector streets.

(c) All buildings, uses, open spaces, and any service roads, driveways and parking areas shall be arranged and designed to minimize any adverse effects upon adjacent property, including but not limited to:

(i) Channeling excessive traffic onto local residential streets.

(ii) Lack of adequate screening or buffering of parking or service areas.

(iii) Building groupings or circulation route locations that interfere with police or fire equipment access.

(4) Pedestrian Circulation. Public sidewalks shall be provided along collector and perimeter roads and streets in accordance with adopted City standards. Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas.

(5) Parking. The Planning Commission may give credit towards parking requirements where abutting on-street parking is available and parking use does not interfere with the needs of any other land uses. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with landscape and screening requirements of this ordinance.

(6) Recreation Areas. Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

(7) Utilities. All multiple-family dwellings shall be connected to the public sewer and public water system.

(8) Supplemental regulations.

(a) Setbacks Adjacent to Residential for RM-1. Where a property is abutting a one-family or one-family attached district, all setbacks abutting said district shall be equal to the height of the building.

(b) In R-M districts, no multiple-family building shall be erected on a lot or parcel of land which has an area of less than 9,600 square feet or has a width of less than 80 feet. The following minimum lot sizes and floor areas shall be met:

(i) Four-bedroom unit: 4,500 square feet minimum lot size, and 1,000 square feet minimum floor area per unit.

(ii) Three-bedroom unit: 3,000 square feet minimum lot size, and 750 square feet minimum floor area per unit.

(iii) Two-bedroom unit: 2,500 square feet minimum lot size, and 600 square feet minimum floor area per unit.

(iv) One-bedroom unit: 2,000 square feet minimum lot size, and 450 square feet minimum floor area per unit.

(v) Efficiency apt.: 1,750 square feet minimum lot size, and from a minimum 300 square feet to a maximum 360 square feet floor area per unit.

Where a front yard of greater or lesser depth than above specified exists for dwellings on more than 50 percent of the lots of record on one side of a street in any single block, the depth of the front yard for buildings thereafter erected or enlarged in such block shall be not less, but need not be greater than, the average depth of the front yards of all existing dwellings within the block.

(9) Other Requirements.

(a) Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

(b) Any business uses on the site shall be developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business use shall be visible from any exterior view. Such business uses shall not exceed 25 percent of the floor area at grade level or 50 percent of the floor area of a subgrade level and shall be prohibited on all floors above the first floor, or grade level. Uses located in the B-3 Corridor District are exempted.

(c) The entire area of the site shall be treated so as to service only the residents of the multiple-family development; and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.

**(B) Dwelling, one-family detached.** Detached one-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing parks, shall comply with the following standards:

(1) Architectural Details.

(a) Dwelling units shall be provided with an exterior building wall, foundation and roof configuration that are similar to the dwelling units on adjacent properties or in the surrounding

residential neighborhood. The minimum width across any front, side or rear elevation shall be 24 feet, and the average width to depth or depth to width ratio shall not exceed three to one (3:1). The roof over-hang shall be a minimum of one (1) foot on all sides.

(b) Dwelling units shall be provided with exterior finish materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding or wall materials, windows, porches, shingles and other roofing materials. Standing seam metal roofing is prohibited.

(c) Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling. All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.

(2) Utilities. All one-family dwellings shall be connected to the public sewer and public water system.

(3) Storage. The dwelling units shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which shall be equal to a minimum of ten percent (10%) of the square footage of the dwelling or 100 square feet, whichever is greater.

(4) Front Porch. New dwellings shall be constructed with a primary entrance on the front facade and connected to the public sidewalk or right-of-way by a paved path, with a front porch or stoop that is at least six (6) feet in width and depth, and 70 square-feet in area.

(5) Determinations. This Section is not intended to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large.

(a) The compatibility of design and appearance shall be determined by the Building Official, subject to appeal by an aggrieved party to the Zoning Board of Appeals.

(b) The Building Official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal.

(c) Any determination of compatibility shall be based upon these standards, with a comparison to the character, design and appearance of homes in the same neighborhood within 300 feet of the subject lot, outside of any manufactured housing parks. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

(6) Supplemental regulations. In R-1 and R-2 districts, the side yard abutting upon a street shall not be less than ten feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.

**(C) Dwelling, two-family.** The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a one-family dwelling as specified by Section 401. All other requirements of Section 317 shall apply.

**(D) Home Occupations.** Home occupations shall be subject to the following:

(1) Use Standards.

(a) Intensity of use. Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the residence and twenty five percent (25%) of the floor area of any accessory structure may be used for the home occupation.

(b) Employment. No persons shall be employed in the home occupation, other than the dwelling occupants.

(c) Customer or client visits. A home occupation shall not generate more than five (5) customer or client visits per day, nor more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.

(d) Commercial vehicle parking and deliveries. Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter ( $\frac{3}{4}$ ) ton capacity, provided such vehicle is directly related to the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers.

(e) The appearance of the structure shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.

(f) No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.

(g) No home occupation shall cause an unreasonable increase in the use of any one or more utilities (water, sewer, electricity, telephone, trash removal, etc.) so that the combined total use for the dwelling unit and home occupation exceeds that average for residences in the neighborhood.

(h) The home occupation may increase vehicular traffic flow and parking by no more than one additional car at a time. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

(i) Hours of operation. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

(2) Permitted Home Occupations. The following uses shall be permitted as home occupations.

(a) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.

(b) Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.

(c) Home office for a massage therapist, shall be subject to the following conditions:



(i) Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.

(ii) All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the City.

(iii) All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

(d) Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.

(e) Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.

(f) Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.

(g) Any home occupation not specifically listed may be permitted as a special land use by the Planning Commission, subject to the provisions of Section 401.

### (3) Prohibited Uses and Activities.

(a) Prohibited Uses. Home occupations shall not include:

(i) Automobile truck, recreation vehicle, boat, motorcycle or small engine repair, bump and paint shops, salvage or storage yards.

(ii) Kennels or veterinary clinics.

(iii) Medical or dental clinics.

(iv) Retail sales of merchandise, or eating and/or drinking establishments.

(v) Undertaking and funeral homes.

(vi) Adult uses and sexually-oriented businesses.

(vii) Uses similar to the above listed uses, or any use which would, in the determination of the City Manager, result in nuisance factors as defined by this Ordinance.

(b) Prohibited activities. Home occupations shall not include:

(i) Outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation.

(ii) The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.

- (iii) Changes or alterations to the character or appearance of the residence.
- (iv) Use of any signs or outside displays on the premises, except as permitted for residential dwellings in Article VII, Signs.
- (v) Parking that cannot be accommodated on the site, plus one (1) on-street parking space.
- (vi) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than normally occurs in a similarly zoned residential district.

(4) Home Occupation Permits. A permit must be obtained to lawfully operate a home occupation. Applications for such a permit shall be submitted to the City for review by the City Manager and Building Official.

(a) If, in the written opinion of the Building Official and the City Manager, the proposed home occupation conforms to the standards of this Section, a permit to lawfully operate a home occupation shall be issued by the City.

(b) If the City Manager or Building Official determines that the proposed home occupation does not comply with the standards of this Section, the applicant may request the City Manager to refer the proposed home occupation to the Planning Commission for review as a special land use, subject to the provisions of Section 1001.

(c) Should a lawfully established home occupation no longer meet the conditions outlined above or other conditions stipulated for approval, a violation shall be cited against the operator of the home occupation. The operator of the home occupation shall have ten (10) working days to correct the referenced violations. If the violations are not corrected within that time, the permit to operate the home occupation shall be revoked and all related activities must cease.

(d) Permits to operate a home occupation shall be reviewed on an annual basis in conjunction with issuance of a business license through the City Clerk.

(e) Home occupation permits shall be limited to the applicant who legally resides in the residence.

**(E) Manufactured Housing Parks.** Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, the Manufactured Housing Commission General Rules, and the following minimum requirements:

Manufactured housing parks may be permitted in R-M multiple-family residential districts by the zoning board of appeals, after having received the recommendation of the planning commission, if it finds the use as not being contrary to the spirit and purpose of this ordinance. The manufactured housing park will be managed, organized, and regulated by the developer. Streets, utilities, open space, recreation, and amenities will be provided and regulated by the developer. As a result, the City of Center Line has recognized the need to locate manufactured housing parks along major transportation routes and in areas of adequate utilities and public services.

(1) Principal uses permitted. Manufactured housing parks, subject to the requirements as established and regulated by Act No. 96 of the Public Acts of Michigan of 1987, as amended, and all applicable codes and ordinances referenced herein.

(a) Clubhouse and recreation facilities for the use of the park residents.

(b) Manager's office,

(c) Off-street parking as required by the Michigan Mobile Home Commission Rules 925 and 926.

(2) Plan Review. The preliminary plan for a manufactured housing park shall be submitted to the City and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act. The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the City officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60 day review period. A copy of the state-approved final construction plan shall be submitted to the City prior to the start of construction on the site.

(3) Minimum Area for a Manufactured Housing Park. The minimum parcel size for manufactured housing parks shall be five (5) acres, excluding adjacent parcels proposed for expansion.

(4) Minimum Manufactured Housing Site Size. Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under the Manufactured Housing General Rules.

(5) Setbacks. Manufactured houses shall comply with the following minimum setbacks:

(a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.

(d) 50 feet from any permanent building.

(e) 100 feet from any baseball, softball or similar recreational field.

(f) Seven (7) feet from the back of curb or edge of pavement for an internal road.

(g) Seven (7) feet from an adjacent home site's parking space or off-site parking bay.

(h) Seven (7) feet from a common sidewalk.

(i) All manufactured housing, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.

(j) 50 feet from the edge of any railroad right-of-way.

(6) Maximum Height. The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

(7) Minimum Floor Area. There shall be not less than 750 square feet of floor area within each manufactured house. The floor area of any porch, sundeck or other structure shall not be used to meet the 750 foot requirement.

(8) Access. A Manufactured housing park must abut and be directly accessible to a major thoroughfare as defined in the city's master plan.

(9) Roads. Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public street by a permanent easement which shall be recorded by the developers. All roads shall be hard-surfaced.

(10) Parking. Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

(11) Common Storage Areas. If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

(12) Sidewalks. Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park streets. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.

(13) Accessory Buildings and Facilities.

(a) Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.

(b) Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the City.

(c) Storage accessory to a manufactured home. Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home. Storage sheds may be used to store property, but need not be supplied by the owner of the manufactured home development. No storage of any kind permitted under a manufactured home. All manufactured homes shall be

skirted. The skirting shall be installed upon the manufactured housing within 90 days after its placement upon a lot.

(14) Open Space. Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan.

(15) Perimeter Screening. Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

(16) Screening a long Public Rights-of-Way. A landscaped screen shall be provided along all public streets abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

(17) Alternative Screening. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

(18) Parking Lot Landscaping. Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

(a) All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

(b) The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

(c) Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

(19) Trash Disposal. The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

(20) Awnings. Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

(21) Installation and Anchoring. All manufactured homes shall be installed and anchored in accordance with the standards established and regulated by adopted building and fire codes, as amended.

(22) Sewer Service. Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

(23) Water Service and Storm Drainage Systems. Water supply and drainage systems shall conform to the requirements of Part 2 - 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

(24) Telephone and Electric Service. All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

(25) Fuel Oil and Gas. Fuel oil and gas shall be located and stored in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

(26) Operational Requirements.

(a) Permit. It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act. The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

(b) Violations. Whenever, upon inspection of any manufactured housing park, the Building Official finds that conditions or practices exist which violate provisions of this Section, the Building Official shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 172 and 36 of the Mobile Home Commission Act.

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

(c) Inspections. The Building Official or other authorized City agent is granted the authority, as specified in the Mobile Home Commission Act, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section.

(d) License. A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services.

(27) Sale of Manufactured Homes. The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by an authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

(28) Mailbox Clusters. The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

(29) Entry Signage. One sign, not larger than 32 square feet in area, for identification of the premises and use (without additional advertising) may be placed at the main entrance of the manufactured home park. One sign, not larger than ten square feet, limited to the same identification contained on the entrance sign, may be erected on any secondary entrance to the manufactured home park adjoining a public road. The identification sign shall be a part of a permanent decorative entranceway and shall be compatible with the surrounding area. In addition, individual homeowners or their agents may place "For Sale" signs no larger than two square feet in area upon their lots or on their homes. All identification signs shall observe the setback and height limitations cited in this ordinance.

**(F) Senior Assisted/Independent Living.** The following site development standards shall apply to housing for the elderly:

(1) Area and Lot Standards.

(a) Minimum Floor Area. Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).

(b) Lot Coverage. Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed thirty-five percent (35%) of the total site, exclusive of any dedicated public right-of-way.

(2) Frontage and Access. Senior housing developments shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

(3) Pedestrian Circulation. Public sidewalks shall be provided along collector and perimeter roads and streets in accordance with adopted City standards. Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.

(4) Accessory uses. Accessory retail, restaurant, office and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

## **SECTION 402. RECREATION USES.**

**(A) Commercially used outdoor recreational space.** Subject to the following:

- (1) Children's amusement park must be fenced on all sides with a four-foot wall or fence.
- (2) Carnivals may be allowed for periods not to exceed two weeks, subject to renewal by the zoning board of appeals.

**(B) Private noncommercial recreational areas, institutional or community recreation centers, all subject to the following restrictions:**

- (1) Any use permitted herein shall not be permitted on a lot or group of lots of records, except in those instances wherein 100 percent of the owners of property immediately abutting and 65 percent of the owners of property within 300 feet of any property line of the site herein proposed for development shall sign a petition indicating concurrence with said site. The petition shall be submitted to the planning commission for its review.
- (2) The proposed site for any of the community-serving uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.
- (3) Front, side and rear yards shall be at least 80 feet wide and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.
- (4) Buildings erected on the premises shall not exceed one story in height.
- (5) Off-street parking shall be provided so as to accommodate at least half of the member families and/or individual members. Bylaws of the organization shall be provided in order to establish the membership involved for computing parking requirements.
- (6) Whenever a pool is involved, said pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate or turnstile.
- (7) Where storm sewers are nonexistent or capacity is not ample, adequate on-site takeoff facilities shall be provided and shall be reviewed and approved by the city engineer as being adequate.

## **SECTION 403. INSTITUTIONAL USES.**

**(A) Business schools or private schools operated for profit.** Subject to the following:

- (1) Height of Structure. The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.

The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than twenty percent (20%) of the roof area of the building.



(2) Frontage and Access. Institutional uses shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

(3) Landscaping. Institutional uses shall comply with the landscaping and screening requirements set forth in Section 805. For landscaping purposes, all institutions in residential districts shall be treated as non-residential land uses.

**(B) General hospitals.** When the following conditions are met:

(1) A site plan layout showing the building location, drives, service areas, parking areas, landscape screening areas, walls and other physical features shall be submitted for the review and approval of the planning commission. Approval shall be contingent upon a finding that:

(2) The site plan does show that a proper relationship exists between the major thoroughfares and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety; and

(3) All the development features, including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent property.

(4) All such hospitals shall be developed on sites consisting of at least five acres in area for the first 100 beds or less plus one acre for each additional 25 beds.

(5) The proposed site shall have at least one property line abutting a major thoroughfare or expressway service drive, and ingress and egress to the site shall be directly from said thoroughfare.

(6) Minimum front, side and rear yards of 50 feet shall be provided. Where buildings of over three stories are allowed, all yards shall have a minimum dimension of 1½ times the height of such building.

(7) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six feet in height.

**(C) Nursery schools, day nurseries and child care centers.** See Section 403.A

**(D) Nursing and Convalescent Homes, Adult Foster Care Large Group Homes.** The following regulations shall apply to nursing homes, convalescent homes, and adult foster care large group homes:

(1) Minimum Lot Area. The minimum lot area for such facilities shall be three (3) acres.

(2) Frontage and Access. Nursing and convalescent homes, foster care large group homes, and assisted living facilities shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

(3) Setbacks. The principal building and all accessory buildings shall be set back a minimum distance of 40 feet from any property lines.

(4) Open Space. Any such facility shall provide a minimum of 500 square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.

(5) State and Federal Regulations. Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.

(6) Accessory uses. Accessory retail, restaurant, office and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees and their guests. No exterior signs of any type are permitted for these accessory uses.

**(E) Place of Worship.** See Section 403.A

**(F) Public, parochial and private elementary, intermediate schools, and/or high schools offering courses in general education not operated for profit.** See Section 403.A

**(G) Substance abuse clinic.**

(1) Facilities must be licensed and inspected by the State of Michigan and a copy of the state license shall be submitted to the Building and Safety Director.

(2) Centers shall be residential facilities providing twenty-four (24) hour supervision, care and security on site.

(3) The site shall have ingress and egress directly onto an arterial roadway having an existing or planned right-of-way width of at least one hundred twenty (120) feet.

(4) Landscaping meeting the requirements of Section 805 for institutional uses shall be provided adjacent to any areas that abut a One-Family Residential District or use.

(5) There shall be at least one (1) parking space on site for each employee.

(6) The building shall be a minimum of five hundred (500) feet from any One Family Residential District.

## **SECTION 404. RETAIL, ENTERTAINMENT, AND SERVICE USES.**

**(A) Adult Regulated Uses.**

(1) Uses Specified. Uses subject to these controls and regulations are herein defined as adult regulated uses of land, and the enterprises conducted within are classified as "adult only businesses." These uses and businesses are as follows:

In the development and execution of this ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of

the surrounding neighborhood. Such negative or adverse effects could affect both commercial and residential uses in surrounding neighborhoods. These special regulations are itemized in this section. The primary control of regulation is for the purpose of preventing a concentration of these uses in any one area.

The establishment of the following kinds of uses is prohibited if the establishment of such use will constitute the second such use within a 1,000-foot radius (i.e. not more than one such use within 1,000 feet of each):

- (a) Adult related businesses.
- (b) Adult motion picture theaters/arcades or adult live stage performing theater.
- (c) Adult book or supply store and video stores.
- (d) Adult cabarets.
- (e) Adult model studio.
- (f) Adult motel.
- (g) Adult supply store.
- (h) Adult motion picture theater.
- (i) Adult outdoor motion picture theater.
- (j) Group "A" cabaret.
- (k) Massage establishments.
- (l) Pawnshops.
- (m) Public lodging house.

(2) Uses Not Interpreted as Adult Regulated Uses. The following uses shall not be interpreted as adult regulated uses included within the definition of an adult only business:

- (a) Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed nurse practitioner, or any other similarly licensed or certified medical professional.
- (b) Establishments that offer massages performed by certified massage therapists.
- (c) Gymnasiums, fitness centers, and health clubs.
- (d) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (e) Continuing instruction in martial or performing arts, or in organized athletic activities.
- (f) Hospitals, nursing homes, medical clinics, or medical offices.

(g) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists.

(h) Adult photography studios whose business activity does not include the taking of photographs of "specified anatomical areas," as defined in Article II, Definitions.

(3) Site Location.

(a) An adult only business shall not be permitted within a 1,000 foot radius of an existing adult only business. Measurement shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.

(b) It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 300-foot radius of a residentially zoned district, or within a 1,000-foot radius of any church or primary, secondary, or nursery school. This prohibition relative to the establishment of a regulated use near residentially zoned districts may be waived upon the presentation to the board of a validated petition requesting such waiver, signed by 51 percent of those persons owning, residing, or doing business within 300 feet of the proposed location. No waiver shall be given to permit a regulated use to locate within 1,000-foot radius of any primary, secondary, or nursery school. The board shall adopt rules and regulations governing the procedure for securing any petition of consent which may be provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with said rules, and that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon.

The board shall not consider the waiver of locational requirement until the above-described petition, if required, shall have been filed and verified.

(4) Site Development Requirements.

(a) The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.

(b) Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance.

(c) All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.

(d) No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.

(e) An adult only business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.

(f) An adult only business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.

(g) "Mainstream media outlets" carrying less than a "substantial portion" of "adult media" (all as defined herein) are not subject to the standards for adult only businesses. The conditions for mainstream media outlets include:

(i) Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:

(ii) Restrict access to any person under the age of 18

(iii) Shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

(iv) Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;

(v) Shall have access controlled by electronic or other means to ensure that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; and

(vi) Shall provide notification at all entrances stipulating that persons under 18 are not permitted inside.

(h) "Adult cabarets" (as defined herein) are required to include a stage raised at least three (3) feet from the viewing floor, with a barrier of at least two (2) feet at the edge of the stage. A person is in violation of the Ordinance if he or she permits an entertainer to leave the stage, or permits a customer on to the stage.

(i) Because of their deleterious effect on adjoining areas, massage establishments shall be subject to the following requirements:

(i) No massage establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

(ii) All massage establishments subject to this Article are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.

(iii) No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.

(iv) This does not include licensed massage therapists.

(j) Because of their deleterious effect on adjacent properties, tattoo establishments shall be subject to the following requirements:

(i) No tattoo establishment shall have an entrance or exit way providing a direct passageway to any type of business, residence or living quarters.

(ii) All tattoo establishments subject to this Article are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment

locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.

(iii) No tattoo establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.

(5) Use Regulations.

(a) No person shall reside in or permit a person to reside in the premises of an adult only business.

(b) No person shall operate an adult only business unless there is conspicuously placed in any room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any posted notice.

(c) The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.

(d) No adult only business shall possess, disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.

(e) No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the Building Official or duly appointed designee following an inspection to determine compliance with the relevant ordinances of the City of Center Line. Such license shall be subject to all regulations of federal, state, and local governments.

(f) No person shall lease or sublease, nor shall anyone become the lessee or sublease of any property for the purpose of using said property for an adult only business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the City of Center Line, Macomb County, and the State of Michigan.

(6) Procedures, Conditions and Limitations.

Application to establish any of the above regulated uses shall be made to the board, which shall not approve any such request if there is already in existence one such regulated use within a 1,000-foot radius of the property line of the site of the proposed regulated use, excepting as provided for below.

Prior to the granting of any permit herein provided, the Planning Commission may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or adult only business, as may in its judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit or license issued.

(a) The board may waive the locational restrictions set forth herein for enumerated regulated used (uses), except adult uses and bars, provided all of the following findings are made:

(i) That the proposed use will not be contrary to the public interest or interfere with the use and enjoyment of nearby properties, and that the spirit and intent of this ordinance will be observed.

(ii) That the proposed use will not enlarge or encourage the development of a "skid row" area.

(iii) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

(iv) That all applicable regulations of the (this) ordinance will be observed.

(b) Prior to granting waiver of the locational restrictions set forth above, and not less than 15 days before the request for waivers is considered or a public hearing held pursuant to subparagraph (6) of this section, the board shall publish, in a newspaper of general circulation in the City of Center Line, a notice that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of said notice to the owners of property for which waivers are being considered, and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure; except that if a structure contains more than one dwelling or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(c) The notice of application shall inform the recipient of the applicant's name; describe the nature and type of use proposed; indicate the local address, the lot number and subdivision name of the property in question; and provide the section of the zoning ordinance under which the proposal is being processed. Said notice shall also invite written comments, statements, or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

(d) Said notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for the regulated use. If the applicant or the board requests a public hearing, only notification of the public hearing need be made by the board. Any person requesting a hearing under this section may be represented by any person, firm, organization, partnership, corporation, board or bureau.

(e) Prior to the granting of approval for the establishment of any regulated use, the board may impose any such conditions or limitations upon the establishment, location, construction maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(f) Invalidity of variances, special land use, and regulated use permits.

(i) In any case where a special land use permit has not been established within six months after granting thereof, and without further notice or action by the city planning commission or the zoning board of appeals, the special land use permit shall become null and void.

(ii) A special land use permit shall be deemed to authorize only one specific special land use and shall expire if the special land use shall cease for more than six consecutive months for any reason.

(g) Limit on Reapplication. No application for an adult only business that has been denied wholly or in part shall be resubmitted for a period of 365 calendar days from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

**(B) Funeral Homes, Mortuaries and Crematoriums.** The following regulations shall apply to funeral homes and mortuaries:

(1) Assembly Area. An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

(2) Screening. The service and loading area shall be obscured from adjacent residential areas in accordance with Section 805.

(3) Caretaker's Residence. A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached one-family dwelling subject to the requirements of Section 306.

**(C) Motel.** Subject to the following:

(1) Demonstrated ability that ingress and egress do not conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.

(2) No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker, except that the zoning board of appeals may allow 25 percent or less of the total units to have kitchenettes for the convenience of the traveling public.

(3) Each unit shall contain not less than 250 square feet of floor area.

**(D) Open air business.** Uses when developed in planned relationship within the B-1B district as follows:

(1) Retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, and other home garden supplies, when not located at the intersection of major thoroughfares.

(2) Recreational space providing children's amusement park, shuffleboard, miniature golf, and other similar recreation, when part of a planned development, and when located at the exterior end of the B-1B district but not at the intersection of two major thoroughfares. All such recreation space shall be adequately fenced on all sides with a four-foot fence.



**(E) Outdoor Sales or Display Area for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Building Supplies, Equipment, Boats, Merchandise or Similar Items.** Outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

(1) Use Standards.

(a) Servicing of Vehicles. Vehicle service and repair activities shall be subject to the standards of Section 407.

(b) Broadcasting Devices Prohibited. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

(c) Location. The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.

(d) Hours of Operation. Where the use abuts a residential district, the maximum hours of operation between 10:00 a.m. and 5:00 p.m. on Saturdays.

(e) No work shall be performed on vehicles outside.

(2) Site Standards.

(a) Setbacks. Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any street right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.

(b) Exterior lighting of outdoor sales or display area. The Planning Commission may permit a maximum intensity of 20.0 foot-candles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Section 806.

(c) Signs. Additional signs shall not be permitted beyond those permitted for the principal use.

(d) Sidewalk standards. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.

(e) Grading, surfacing, and drainage. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the City Engineer.

(f) Landscaping and screening. Such sales or display area shall be screened from adjacent residential districts by a landscaped greenbelt in accordance with Section 805, or an obscuring wall in accordance with Section 807 and 809.

(g) Driveway location. The nearest edge of any driveway shall be located at least 60 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

**(F) Restaurant, Drive-through.** Drive-through facilities or establishments shall be subject to the following:

(1) Frontage and Setback Standards.

(a) Setbacks. Building or other structures proposing front yard parking for a drive-through establishment must meet the requirements for the zoning district in which it is located. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.

(b) Minimum Frontage. The site shall have a minimum of 120 feet of frontage on a public street.

(2) Driveways and Stacking Spaces.

(a) Ingress and egress points shall be located no closer than 60 feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).

(b) The minimum distance between driveways providing off-site ingress or egress shall be at least 65 feet measured from the two closest driveway curbs.

(c) Stacking spaces shall be provided for each drive-through window as required in Article VI, Off-Street Parking and Loading.

(3) Screening. An obscuring wall shall be provided along all property lines abutting lots zoned for residential or office uses, subject to the requirements in Section 807 and 809.

**(G) Shopping center.** Subject to the following:

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing, or processing uses (except for off-street parking, loading, unloading, and those open-air uses indicated as being permissible on special approval in Section 801) shall be conducted within completely enclosed buildings.

## **SECTION 405. OFFICE USES.**

See Article III, Zoning Districts and Regulations.

## **SECTION 406. INDUSTRIAL USES.**

**(A) Hazardous Materials Storage.** Such uses shall comply with Section 804, and shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan State Police, the Fire Department, and the Macomb County Health Department. The applicant must supply the following documentation with any plan submitted for review:

(1) Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, and other surface water body or into the groundwater.

(2) Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at

any time, type of storage containers or base material, and anticipated procedure for use and handling.

(3) Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.

(4) Description of all secondary containment measures, including design, construction materials and specifications, and security measures

(5) Description of the process for maintaining and recording of all shipping manifests.

**(B) Industrial Uses in Commercial Districts.** Industrial, processing, and warehouse uses shall be deemed acceptable accessory uses in commercial districts if the following criteria are met:

(1) Character of the "Industrial" Use. Assembly, fabrication, manufacturing, and warehouse activities shall be directly related to the specific products or services permitted as principal use on the site.

(2) Limits of Industrial Activities. Any products manufactured or produced shall not be for general distribution to other retail stores or manufacturing facilities.

(3) Types of Equipment. Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause an adverse impact on neighboring properties.

(4) Percent of Floor Area. All industrial activity shall occur within a defined area and shall occupy no more than thirty percent (30%) of total building floor area.

(5) Compatibility of Traffic. The type and quantity of traffic generated by the industrial operation shall be compatible with the approved capacity serving the site and other permitted commercial uses in the district.

(6) Outside Activity Prohibited. Industrial activity, if permitted, shall be located entirely within an enclosed building. All outside storage, except as specifically permitted in the district in which the use is located, shall be prohibited.

**(C) Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items.** Junkyards, salvage yards and similar facilities shall be subject to the following:

(1) Minimum Lot Size and Setbacks. Sites shall have a minimum lot area of ten (10) acres. The enclosed outdoor storage, dismantling or recycling area shall be set back a minimum of 100 feet from the front lot line, and 20 feet from the rear and side lot lines.

(2) Location. Junkyards, salvage yards and similar facilities shall be located not less than 500 feet from any residential district.

(3) Screening. A 20 foot wide buffer strip, and a masonry wall with a height of eight (8) feet, shall be required along all property lines in accordance with Section 807 and 809.

(4) Use Standards. The applicant must demonstrate that all proposed activities will comply with all state and federal regulations, the requirements of this Ordinance, and the following:

(a) Stored materials shall not be stacked higher than the height of the screening wall. Materials shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the yard. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.

(b) Materials shall be stored in rows with a minimum 20 foot wide continuous loop drive separating each row.

(c) All batteries shall be removed and all radiator and fuel tanks drained prior to placing any vehicles in the storage yard. Salvaged batteries, oil and other such substances shall be immediately removed by a licensed disposal company.

(d) The crushing of vehicles or any part thereof shall be limited to between 8:00 a.m. and 7:00 p.m., Monday through Saturday.

(e) The use shall be subject to periodic inspection by the City to ensure continuing compliance with the above standards.

**(D) Outdoor Storage of Equipment, Products, Machinery, Landscaping or Building Supplies, or Similar Items.**

(1) General Requirements. All outdoor storage areas must comply with the following requirements:

(a) No junk or junk vehicles shall be stored.

(b) The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.

(c) Any outside storage area shall be paved or surfaced with hard surface material and shall include an approved storm water drainage system with containment.

(2) Setbacks. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in any required setback areas.

(3) Landscaping and Screening. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Section 805, and a solid decorative masonry wall or fence at least six (6) feet and no more than eight (8) feet in height, in accordance with Section 807 and 809. No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

**(E) Recycling Collection Facilities and Composting Centers.**

(1) General Standards. Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. Access shall be provided solely on major streets.

(2) Setbacks. Commercial composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

(3) Pollution prevention. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

(4) Screening and Landscaping. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Section 805, and a solid decorative masonry wall or fence at least six (6) feet and no more than eight (8) feet in height, in accordance with Section 807 and 809. No materials shall be stored above the height of the required wall or fence.

**(F) Self-Storage Facility.** The following regulations shall apply to self-storage facilities:

(1) Lot Area. The minimum lot area for mini-warehouses shall be two (2) acres.

(2) Permitted Use. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:

(a) Such storage shall be incidental to the main use of enclosed storage.

(b) Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.

(c) All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

(3) Site Enclosure. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip in accordance with Section 805, and a decorative masonry wall or fence six (6) feet in height, in accordance with Section 807 and 809.

(4) Exterior Appearance. The exterior of any self-storage-warehouse shall be of finished quality and design; storage buildings shall have pitched roofs and gables. Storage building shall be orientated so that doors to the units do not face toward the road, unless such doors are completely screened from view from the road.

(5) Caretaker's Residence. A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached one-family dwelling subject to the following:

(a) The requirements of Section 401.

(b) The dimensional standards of the One-Family Residential District, as specified in Section 306.

(6) On-Site Circulation and Parking. All internal circulation routes shall be at least 24 feet wide.

**(G) Warehousing and wholesale establishments, and trucking facilities.**

(1) Setbacks. Terminals shall be set back a minimum of 200 feet from any residential district or use.

(2) Traffic. A traffic impact study may also be required by the Planning Commission.

(3) Parking and Loading. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

(4) Landscaping and Screening. Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with in accordance with Section 807 and 809.

## **SECTION 407. AUTOMOTIVE/TRANSPORTATION USES.**

**(A) Automobile repair garages.** The following regulations shall apply to automobile repair garages:

(1) Use Standards.

(a) Repair and service use limitations. All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations and buildings shall not be permitted within 40 feet of any residential zoning district or use.

(b) Noise and odors. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.

(c) Traffic impacts and pollution prevention. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves. A traffic impact study may also be required by the Planning Commission.

(d) Storage. The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:

(i) Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.

(ii) Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and such containers shall be screened from public view.

(iii) Inoperable vehicles shall not be stored or parked outside for a period exceeding ten (10) days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

**(B) Automobile wash.** Automobile wash, subject to the following:

(1) Use Standards.

(a) All washing facilities shall be completely within an enclosed-building.

(b) Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district. Where such facilities are located in a side or rear yard abutting a street, such use shall be screened consistent with the requirements of Section 805.

(c) Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.

(d) The use of steam in the cleaning process shall be permitted when confined within an enclosed building.

(e) A traffic impact study may be required by the Planning Commission.

(f) Commercial vehicle washes permitted in industrial districts only.

(2) Lot and Setback Standards.

(a) Minimum Setback. All buildings shall have a front yard setback of not less than 40 feet, and shall be set back a minimum of 50 foot setback from any residential district or use.

(b) Lot size and frontage. A self-service car wash shall have a minimum lot area of 10,000 square feet, with a minimum of 100 feet of frontage along a major street. An automatic car wash shall have a minimum lot area of 20,000 square feet, with a minimum of 150 feet of frontage along a major street.

(3) Ingress/Egress. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses or adjacent or pedestrian crossings.

(a) Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley.

(b) All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash property.

(c) Ingress and egress points shall be located at least 60 feet from the intersection of any two (2) streets. No more than one (1) such drive or curb opening shall be permitted per street.

(d) Adequate stacking space shall be provided for all cars required to wait for access to the facilities, in accordance with the standards of Article VI, Off-Street Parking and Loading, so that waiting vehicles do not block the street right-of-way.

(4) Screening.

(a) Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 805.

(b) An obscuring wall shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 807 and 809.

(c) The Planning Commission can modify screening requirements upon determining that an alternative design or method would provide adequate screening.

**(C) Gasoline service station.** Subject to the following:

- (1) One hundred forty feet of street frontage on the lot proposed for the gasoline service station shall be provided on the principal street serving the station. The lot shall contain not less than 14,000 square feet of lot area.
- (2) The lot must be located on the edge of the district (where the abutting zoning district is nonresidential) so as not to disrupt pedestrian movement within the district.
- (3) All buildings shall be set back not less than 40 feet from all street right-of-way lines.
- (4) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.
- (5) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb opening for such driveways shall not exceed 50 feet in length.
- (6) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 20 feet to any corner of two intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.
- (7) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.
- (8) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline service station site.
- (9) Prohibited activities include, but are not limited to, the following: vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, upholstery work, auto glass work, and such other activities whose external physical effects could adversely extend beyond the property line.

**(D) Pump Island Canopy.**

- (1) The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.
- (2) All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with this Ordinance, including the provisions of Section 806.
- (3) Lot and Setback Standards.
  - (a) Minimum Lot Area. The minimum lot area required for such uses shall be 15,000 square feet.
  - (b) Minimum Lot Width. The minimum lot width required for such uses shall be 150 feet.
  - (c) Minimum Setbacks. Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.



(d) Minimum Setback from Right-of-Way Line. Pump islands and canopies shall comply with the following requirements:

(i) Nearest Edge of Pump Island: 25 feet

(ii) Nearest Edge of Unenclosed Canopy: 20 feet

(4) Ingress and Egress.

(a) Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width.

(b) No more than one (1) such drive or curb opening shall be permitted for every 150 feet of frontage (or fraction thereof) along any street.

(c) Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, or its location near vehicular or pedestrian entrances or crossings.

(d) The nearest edge of any such drive shall be located at least 25 feet from a street intersection (measured from the road right-of-way), and from adjacent residential districts or uses.

(5) Screening.

(a) All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.

(b) Open service bays and overhead doors shall not face on to adjacent residential districts or public or private roads unless screened by an adjoining lot, building, or obscuring wall in accordance with Section 807 and 809.

(c) Outdoor storage of parts or materials shall be prohibited unless such storage is screened by an obscuring fence, in accordance with Section 807 and 809, which meets all setback requirements. An obscuring wall shall be provided on those side and rear lot lines abutting a residential district or use.

(d) The Planning Commission can modify screening requirements upon determining that an alternative design or method would provide adequate screening.

## **SECTION 408 – B-1A CITY CENTER REDEVELOPMENT DISTRICT DESIGN STANDARDS**

Proposed developments in the B-1A district shall comply with the design standards set forth herein:

(A) *Architecture and Design Standards:* It is the intent of the B-1A district to improve the appearance of and add visual interest to the Van Dyke Avenue corridor. Emphasis shall be placed on attractive buildings that front on the adjacent right-of-way.

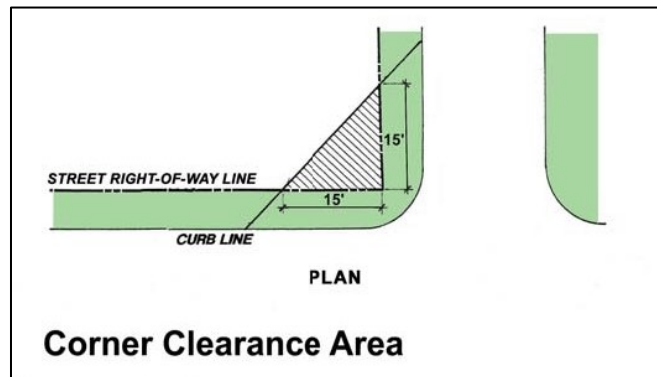
1. *Façade Variation:* The maximum length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Building wall offsets, cornices, awnings, varying building materials or pilasters shall be used to break up the mass of a single building. Building facades, especially those more than 100 feet in length, shall be visually reduced in scale through visual articulation including multiple entries, the careful placement of windows and variations in massing and architectural detail to maintain character with the district as a whole.
2. *Building Transparency:* The first floors of all buildings shall be designed to encourage pedestrian-scaled activity through the use of windows, doors and other features which enable a pedestrian to view the inside of a structure from the exterior. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of the length of the façade. Upper stories shall feature a façade transparency of at least thirty percent (30%).

Outdoor dining/seating located between the building and the right-of-way may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area.

3. *Building Entrance:* Each principal building on site shall have clearly defined, highly visible entrances featuring sheltering elements such as awnings, arcades, porticos, recesses/projections, and decorative architectural details.
4. *Well-Defined Base:* The first floor of commercial structures shall have a height of at least ten (10) feet, measured from floor level to the underside of the ceiling.
5. *Garage Doors:* Garage doors shall not be permitted on a front façade if the garage is utilized as a design amenity for uses such as outdoor dining patios or outdoors sales.
6. *Building Materials and Colors:* The exterior of buildings shall be constructed of high quality materials, including, but not limited to, brick, stone, architectural steel and glass, and integrally tinted/textured concrete masonry units. All façade colors shall be reviewed and approved by the planning commission as part of the full site plan review process.
7. *Corner Building Standards:* Corner buildings and structures shall incorporate distinctive features, materials, designs, height levels and colors that accentuate their prominent location. This can be accomplished through design features such as building peaks, towers, or similar accents with the highest point located at the intersecting corner.

- (B) Corner Clearance Areas: Corner clearance areas shall be maintained along all driveways and streets, pursuant to Section 814. Buildings at a corner of intersecting streets may include a pedestrian plaza in order to maintain sight visibility and provide a pedestrian amenity.

**Figure 3. – Corner Clearance Area**



(C) Pedestrian Access:

1. The primary entrance for a building shall be clearly identifiable, useable and located facing Van Dyke Highway. A pedestrian connection shall provide a clear, publicly-accessible connection between the primary street upon which the building fronts and the building.
2. A direct pedestrian walkway shall be provided from rear and side yard parking areas to the building that is of a level of materials, quality and design emphasis at least equal to that of the primary entrance.

(D) Pedestrian and Non-Motorized Enhancements:

1. Sidewalks shall be provided along all street frontages.
2. The owner or developer shall be responsible for securing any required permits from the appropriate Macomb County Department or the Michigan Department of Transportation prior to constructing sidewalks within the right-of-way.
3. Pedestrian plazas are encouraged at key corners.

(E) Vehicular Parking:

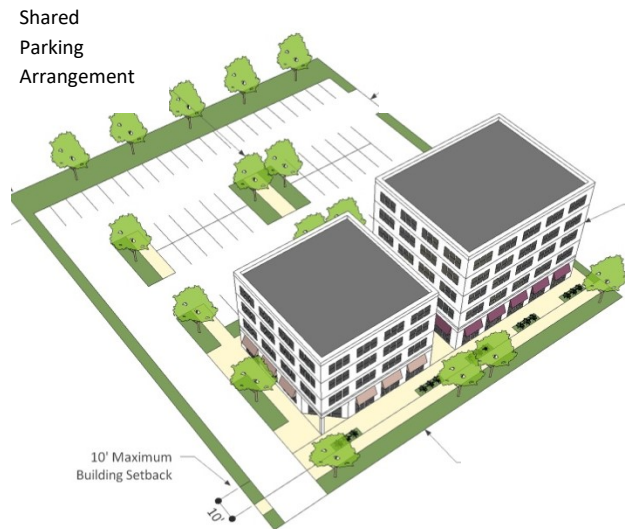
1. Parking lots shall be permitted only in side and rear yards.
2. Off-street parking is required for all uses and shall comply with the numerical parking requirements pursuant to Section 601 of the zoning ordinance. Parking may be eligible for a parking reduction per Section 309.07.
3. When located in an external side yard, no more than fifty percent (50%) of the total site's linear feet along the required building line shall be occupied by parking.
4. For a corner lot, the building shall be located no greater than the permitted setback dimension on one right-of-way.
5. The planning commission may permit a single row of parking or an access aisle within the front yard or external side setback in conjunction with an increased setback where it is determined that there are site constraints regarding the size of parcel, circulation, limited right-of-way, location of existing buildings or when necessary for promoting best practice access-management techniques. The parking and maneuvering lane shall meet the standards of Sections 602 and 603. A clearly marked pedestrian walkway through the parking area connecting the street sidewalk to the front entrance shall be provided.
6. Alley networks shall be utilized to encourage the use of rear yard parking and minimize the amount of new curb cuts.
7. All off-street parking areas shall be screened or buffered in a manner that separates the parking areas as seen from the public right-of-way or from residentially zoned or used property. Screening shall meet the requirements set forth in Sections 805 and 807.

*(F) Access Management and Shared Parking:*

1. Each property shall provide reasonable access for traffic and emergency vehicles while preserving traffic operations and safety along Van Dyke Avenue. New development shall adhere to best practices for access management in order to reduce the number of traffic hazards, reduce the number of pedestrian and vehicular conflict points, and maintain clear and unobstructed emergency vehicle access and circulation.
2. A means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway and cross-access connections. Where shared or cross-access is not possible, this access shall be met by a single driveway. Additional driveways may be permitted subject to site plan approval.

3. Shared parking lots are encouraged for neighboring uses that operate at different times over a 24-hour period. The planning commission may permit a shared parking arrangement upon finding that there is not a substantial conflict in the peak parking demand of neighboring uses. The planning commission may require that the applicant submit parking studies, data and/or documentation to validate peak parking demand.

**Figure 2. – Shared Parking Area and Driveway**



**(G) Landscape, Streetscape and Screening:**

1. Streetscape furnishings, including street trees, tree grates, special concrete finishing, decorative lighting, and street furniture shall be considered along all frontages to the satisfaction of the planning commission.
2. Street trees shall be located in accordance with the standards of the governing entity.
3. Street trees shall not be located within a corner clearance area.
4. All off-street parking areas shall be screened or buffered in a matter that separates the parking areas as seen from the public right-of-way or from residentially-zoned or used

property. The screen or buffer method shall include one (1) or combinations of the following:

- a) From a residentially-zoned or used property.
    - i) Decorative masonry screen wall between 4'-6" and 6'-0" tall.
    - ii) Decorative metal fence with an opaque landscape screen of trees and shrubs between 4'-6" and 6'-0" tall
  - b) From a public right-of-way.
    - i) Decorative masonry screen wall between 30" and 36" tall.
    - ii) Decorative metal fence between 30" and 36" and eight shrubs for each 40 feet.
    - iii) Landscape strip with one shade tree and eight shrubs for each 40 feet. Shrubs shall be maintained at less than 36" in height.
5. Landscape areas shall be a minimum four feet in width with bark mulch and underground irrigation.

## **SECTION 409. MISCELLANEOUS USES.**

**(A) Mixed-use commercial/office/residential buildings.** Subject to the following:

- (1) Façade Transparency Adjacent to a Public Street: Ground level facades shall provide a minimum 33 percent wall transparency. Second level and above shall provide a minimum 25 percent wall transparency
- (2) Ground floor height: A minimum height of 10 feet as measured from finished floor to ceiling shall be maintained.
- (3) Exterior walls: Brick or decorative masonry in a dark earth-tone color.
- (4) Ground floor land use: A ground-floor level of a mixed-use building shall be occupied with commercial or office use.

**(B) Temporary structures and uses.**

- (1) General Requirements. The Zoning Board of Appeals may permit temporary and structures. In granting permits for temporary structures, the ZBA shall consider the following:
  - (a) The granting of the temporary permit shall not have a detrimental impact on the use or enjoyment of surrounding or nearby property due to the particular configuration of the property or conditions on or surrounding the parcel.
  - (b) The granting of the temporary permit shall in no way constitute a change in the basic uses permitted in the district or on the property wherein the temporary use is permitted.

(c) The granting of the temporary permit shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of the permit.

(d) Temporary structures shall comply with the setback standards for the district in which they are located. Additionally, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, welfare and morals of the community shall be considered in the granting of the permit.

(2) Temporary Structures Used for Residential Purposes. A structure, including a manufactured home, may be permitted by the ZBA to be occupied for temporary residential use while major repairs or remodeling is taking place, or while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Temporary permits for structures used for residential purposes shall be subject to the following:

(a) One (1) emergency temporary dwelling permit may be issued by the Building Official for up to 90 days while the applicant is in the process of applying to the ZBA for a temporary dwelling permit. If the ZBA does not approve a temporary dwelling permit, the structure must be removed at the end of the 90 day emergency permit period authorized by the Building Official.

(b) The ZBA may issue temporary dwelling permits for up to six (6) months in duration and may be extended by application to the ZBA for two (2) additional periods of up to six (6) months each, provided that work is proceeding in an expeditious manner. The total duration of temporary dwelling permits given by the ZBA shall not exceed 18 months.

(c) A request for a temporary dwelling permit or for an extension from the ZBA must be submitted in writing to the Building Official no less than 30 days prior to the expiration of the previously granted temporary or emergency dwelling permit.

(d) An approved temporary dwelling may be moved onto a site 14 days prior to commencement of major repairs, and shall be removed within 14 days following issuance of a full or temporary certificate of occupancy for the permanent dwelling, or immediately following the expiration of the temporary dwelling permit.

(e) The applicant may be required to furnish the City with a performance guarantee in an amount determined by the Building Official to ensure removal of the temporary dwelling, along with a notarized affidavit that the temporary dwelling will be removed before issuance of a certificate of occupancy on the repaired dwelling or before the expiration of the temporary dwelling permit.

(3) Temporary Structures Used for Non-Residential Purposes. Temporary structures for non-residential use, including semi-trucks/trailers and concrete batch plants, may be permitted by the ZBA subject the following conditions:

(a) The intended use of the temporary structure must be a contractor or builder in conjunction with a construction project.

(b) No emergency permits for temporary structures for non-residential use may be granted by the Building Official.

(c) The Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission on a site plan prepared by the application, prior to the taking of any action.

(d) The ZBA may issue a temporary structure permit for up to six (6) months in duration, which may be extended by application to the ZBA for up to six (6) additional months provided that work is proceeding in an expeditious manner.

(e) A request for a temporary structure permit or for an extension from the ZBA must be submitted in writing to the Building Official no less than 30 days prior to the expiration of the previously granted temporary or emergency permit.

(f) An approved temporary structure may be moved onto a site 14 days prior to commencement of major repairs.

(g) An approved temporary structure shall be removed within 14 days following issuance of a full or temporary certificate of occupancy for the permanent dwelling, or immediately following the expiration of the temporary structure permit.

(h) The applicant may be required to furnish the City with a performance guarantee in an amount determined by the building official to ensure the removal of the temporary structure.

(4) Special Events and Other Temporary Uses. The Building Official may grant temporary use of land and structures for special events and other temporary uses as defined in Article II, Definitions, subject to the following conditions:

(a) Adequate off-street parking shall be provided.

(b) The applicant shall specify the exact duration of the temporary use.

(c) Electrical and utility connections shall be approved by the Building Official.

(d) A performance guarantee may be required to ensure proper clean-up.

(e) A special event or other temporary use shall be permitted only if required public services, including police, fire, utility, sanitary and refuse services will be adequately provided without threat to public health, safety, and welfare. Costs for providing such services, to the extent they exceed the normal operating costs of the City, shall be the full responsibility of the owner or operator of the special event.

**(C) Utility and public service buildings and facilities (without outdoor storage yards).**

(1) Location. Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development. Operating requirements necessitate the location of the facility within the district to serve the immediate vicinity.

(2) Off Site Impacts. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.

(a) Performance Standards. Public utility and essential service structures and uses shall conform to Section 804.

(b) Solid Waste Transfer Stations. In no case shall access to a solid waste transfer station be provided within or directly abutting the boundary line of a residential district.



(3) Site Development Standards.

(a) Design. All such uses shall be contained in structures that are architecturally compatible with structures in the vicinity. The Planning Commission may require screening in accordance with Section 805.

(b) Security Fencing. Security fencing is permitted, subject to the requirements of Section 807 and 809.

(c) Outdoor Storage. No outdoor storage is permitted unless expressly permitted in the district where the facility is located.

(d) Setbacks. A minimum setback of 50 feet is required from any lot line.

**(D) Utility and public service buildings and facilities (with outdoor storage yards).** See subsection (C) above.

**(E) Wireless Communication Facilities.** Subject to the standards and conditions in Section 803 and a demonstration of the need for the proposed facility based on one or more of the following factors:

(1) Proximity to an interstate or major thoroughfare.

(2) Areas of population concentration.

(3) Concentration of commercial, industrial, and/or other business centers.

(4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(6) Other specifically identified reason creating facility need.

(7) If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (b)(1), such wireless communication facility may be considered and permitted elsewhere in the City as a special land use, subject to the following:

(a) In the application, the applicant shall demonstrate that no existing structure identified in Section 803 can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.

(b) Wireless communication facilities shall be of a “stealth” design such as, without limitation, a steeple, bell tower, tree, or other monopole structure which is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.

(8) Locations outside the zoning districts identified in Section 803 shall be limited to the following sites:

(a) Municipally-owned sites.

(b) Other governmentally owned sites.

(c) Religious or other institutional sites.

(d) Public or private school sites.

(e) Other sites if they are available and suitable, as demonstrated in the application and determined by the Planning Commission and City Council.

(9) The applicant's demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in Section 803.

(10) For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant's demonstration that the proposed facility is more consistent with the ordinance purposes stated in Section 803, and/or that such alternate is not feasible.

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## **ARTICLE V. PD PLANNED DEVELOPMENT DISTRICT**

### **SECTION 500. PURPOSE.**

The PD planned development district is intended to permit the private or public development or redevelopment of areas throughout the city which shall be substantially in accord with the goals and objectives of the future land use plan for the City of Center Line. The reuse patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses, permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare.

### **SECTION 501. PD PLANNED DEVELOPMENT DISTRICT.**

#### **(A) Area and Bulk Regulations.**

Minimum area in square feet of lot per dwelling unit: N/A

Minimum width in square feet of lot per dwelling unit: N/A

Maximum height structures in stories: 2

Maximum height structures in feet: 30

Minimum front yard size in feet: 30

Minimum size of at least one side in feet: 30

Minimum total of sides in feet: 60

Minimum rear yard size in feet: 30

Minimum floor area per unit in square feet: N/A

Maximum percentage of lot coverage (area of all building): N/A

\*Refer to Section 316. for additional requirements.

(B) Planned developments involving three acres or more under one ownership shall be subject to the approval of the zoning board of appeals, after public hearing regarding modifications with respect to height regulations.

### **SECTION 502. PROCEDURE FOR APPLICATION.**

(A) Application shall be made to the planning commission for consideration under this district. The applicant shall be required to make a submittal of the following material for review and recommendation:

- (1) A property area survey of the exact area being requested.
- (2) A proof of ownership of land being requested for rezoning or being requested for development.
- (3) A topography map of the entire area at a contour interval showing one-foot changes in elevation. This map shall indicate all natural and man-made features. (Scale: 1 inch equals 50 feet.)
- (4) A preliminary plan of the entire area carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off-street parking system.

(5) A written statement explaining in detail the full intent of the sponsor, indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to market studies, supporting land use request, and the intended scheduling of development.

### **SECTION 503. PRE-APPLICATION CONFERENCE; PROCEDURE FOR PROCESSING APPLICATION; HEARING REQUIRED FOR PRELIMINARY APPROVAL.**

(A) Prior to filing an application for planned development hereunder, the applicant shall file a request with the city clerk for a pre-application conference. The clerk shall forward such request to the planning requirements of Section 502 hereof, and other pertinent provisions of the zoning ordinance and other applicable ordinances. Subsequent to the conference, the applicant may file an application for planned development approval as hereinafter provided.

(B) An application conforming to the requirements of Section 502 of this ordinance shall be filed with the city clerk, together with a fee in the amount established by resolution commission, who shall, at the next regular meeting, confer with the applicant relative to the of the city council from time to time. Copies of the completed application shall be filed with the city planning commission for review and recommendation as hereinafter provided:

(1) Upon receipt of the application for planned development approval, the planning commission shall do the following:

(a) Publish one notice on a date which is not less than 15 days from the date on which a public hearing will be held on the proposed rezoning of the subject property to the planned development classification. Said notice shall contain the time, place, and description of the subject property and the existing and requested zoning of the property. Not less than 15 days' notice of the public hearing, as herein provided, shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the district affected that has registered its name and mailing address with the city clerk for the purpose of receiving the notice. A copy of said notice shall also be given to the owners of the subject property at least 15 days before the hearing.

(b) Publish one notice, on a date which is not less than five days nor more than 15 days from the date on which a public hearing on the application will be held, in a newspaper in general circulation in the city, and also send by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet; except that the notice shall be given not less than five and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure; except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals,

partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (i) Describe the nature of the planned development request.
- (ii) Indicate the property which is the subject of the planned development request.
- (iii) State when and where the request will be considered.
- (iv) Indicate when and where written comments will be received concerning the request.

(2) Within a reasonable time following the public hearings, the planning commission shall recommend that the request be approved, denied, or approved with conditions. It shall prepare a report stating its conclusions, on the request for planned development, the basis for its recommendation, the recommendation and any conditions relating to an affirmative recommendation.

(3) The planning commission shall also forward a summary of contents received at the public hearing relative to the proposed rezoning and to the request for the planned development district proposal, as well as minutes of all related proceedings and all documents related to the planned unit development request. The city council shall give consideration to all materials submitted by the planning commission in making the final decision.

(4) The planning commission shall also make a report to the city council regarding the proposed rezoning of the subject property from the existing zoning to the planned development district. A summary of the comments relative to such proposed rezoning submitted at the public hearing shall be transmitted with the report of the commission to the city council.

(5) It is the intent of this section that the recommendation relative to the planned development application as well as the report regarding the proposed rezoning be based upon one public hearing conducted by the planning commission following notice to all parties entitled thereto pursuant to the state enabling act. The city council, however, may, if it deems the same necessary, schedule additional hearings on either the proposed plan or the proposed rezoning.

(6) The city council shall, within a reasonable time of receipt of the recommendations of the planning commission relative to the request for planned development approval, make a final decision in connection therewith. If the council determines that the request shall be granted, an ordinance rezoning the subject property to the planned development (PD) district shall be enacted as prescribed by this ordinance and by law.

(C) Once an area has been included within the PD district by having been granted preliminary approval, no development shall take place therein nor use made of any part thereof except in accordance with the general plan as originally approved, or in accordance with any approved amendment thereto.

(D) Approval of the preliminary plan by the city council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.

(E) The proposed PD district shall be of such area as to represent a substantial carrying out of the land use plan, it not being the intent of this district that an unrelated parcel-by-parcel rezoning be effected.

#### **SECTION 504. FINAL PLAN SUBMITTAL.**

(A) A presentation of the final site plan shall be made to the planning commission for review and recommendation:

(1) A final overall site, for the entire area being requested under this PD district, shall be submitted. This plan shall be worked out in detail, showing specific uses, building location, building elevations, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building plans, and schedules of construction shall be submitted.

(2) The final plan shall reflect the use patterns as approved in the preliminary plan. Standards for building bulk and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off-street parking requirements of this ordinance.

#### **SECTION 505. FINAL APPROVAL.**

(A) Approval of the final plan shall be effective for a period of one year. If development is not completed in this period, the planning commission shall review progress to date and make a recommendation as to action relative to permitting continuation under original approval. In reviewing and approving the final plan, the following conditions shall be set forth:

(1) Approval shall be granted by the planning commission. Public hearings shall not be required on the final plan.

(2) All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.

(3) In residential reuse areas, any prorated open space shall be irrevocably committed and retained as open space for park, recreation and related uses. All such lands dedicated in fee or easement shall meet the requirements of the planning commission.

(4) Upon approval by the city council of this ordinance amendment, the site, building elevations and other development proposals, including the proposed uses, shall become an integral part of the zoning amendment to the PD district and for purposes of recordation, shall be referred to as "Planned Development No. Rule," which number shall correspond to the number of the amending ordinance. All proposed plans shall be filed with the city clerk.

#### **SECTION 506. REQUIRED CONDITIONS.**

(A) Before approving the plan, in either the preliminary or final submittal, the planning commission shall determine that:

(1) Provisions satisfactory to the planning commission have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the planning commission.

(2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the planning commission.

(3) The final plan for each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval on the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal.

(4) Proceeding with a planned development district shall only be permitted if it is mutually agreeable to the planning commission and the developer.

#### **SECTION 507. FEES.**

(A) Fees for legal, engineering and planning review of the site plans shall be established by the resolution of the city council.



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## **ARTICLE VI. OFF-STREET PARKING AND LOADING**

### **SECTION 600. PURPOSE.**

The purpose of this Article is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles and recreation vehicles in accordance with the use to which property is put.

### **SECTION 601. OFF-STREET PARKING REQUIREMENTS.**

(A) There shall be provided in all districts, at the time of erection, enlargement or change of use of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a building permit, certificate of occupancy, or both, as hereinafter prescribed.

(1) Off-street parking spaces meeting the requirements of Article VI, Off-Street Parking and Loading, of this ordinance may be located within a rear yard, or within a side yard which is in excess of the minimum side yard setback requirements, unless otherwise provided by this ordinance. Off-street parking spaces may also be provided for on a parking strip or driveway located in that portion of a front yard that extends across the full width of one adjoining side yard; provided however that such parking strip or driveway shall not be more than 20 feet wide. In the event that the portion of a front yard which extends across the full width of an adjoining side yard is less than 20 feet wide, then a parking strip or driveway may be located within that portion of the front yard which is within 20 feet of the side lot line, provided it does not exceed 30 percent of lot frontage, and provided further that the space is not located within ten feet of an exterior side lot line. No off-street parking of automobiles or motor vehicles shall be permitted in any yard except on a parking space improvement permitted by this ordinance, and no such parking shall be permitted on any grass or lawn area not improved as required herein.

(2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the off-street parking lot; provided, however, that the lot shall be located on the same side of a major or collector thoroughfare as the main building. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Article VIII, General Provisions, of this ordinance.

(a) Parking of vehicles in a front yard area is prohibited, except in a driveway.

(b) There shall be no more than one driveway per residential dwelling. Said driveway shall constitute a contiguous area, and be surfaced as required by the city.

(c) No horseshoe shape driveway shall be constructed on any lot having a width of less than 60 feet, a front yard depth of less than 35 feet, and a front yard area of less than 2,100 square feet. No driveway located in a front yard shall occupy more than 50 percent of the front yard area.

(4) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

(6) Off-street parking requirements shall meet the required standards of this ordinance when a change in use of an existing building or structure requires additional off-street parking prior to the issuance of a certificate of occupancy.

(7) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(8) In the instance of dual function of off-street parking spaces where operation hours of buildings do not overlap, the zoning board of appeals may grant an exception.

(9) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in the approved parking area.

(10) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.

(11) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(12) For the purpose of computing the number of parking spaces required, the definition of "Floor area, usable," in Article II, Definitions, shall govern.

(13) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Spaces Required
(A) Residential:		
1	One- and two-family	2 for each dwelling unit.
2	Multiple-family—low rise	2 for each dwelling unit.
3	Multiple-family—high rise (4 stories and over)	2 for each dwelling unit, or 1.75 for each dwelling unit provided that 0.25 space per unit is indicated as potential, future parking, to be initially developed as landscaped open space. The site plan shall show how the parking lot could be expanded to include the 0.25 space per dwelling unit if ever found necessary.
4	Housing for the elderly	1 for each 2½ dwelling units and 1 for each employee.
5	Manufactured housing parks	2 for each manufactured home site and 1 for each employee of the manufactured housing park.

(B) Institutional:		
1	Churches or temples	1 for each 3 seats or 6 feet of pews in the main unit of worship.
2	Hospitals	2 for each bed.
3	Convalescent or nursing homes	1 for each 4 beds.
4	Elementary and junior high schools	1 for each teacher, employee, or administrator in addition to the requirements of an auditorium.
5	Senior high schools	1 for each teacher, employee, or administrator and 1 for each 10 students, in addition to the requirements of the auditorium.
6	Colleges and private schools	1 space for each employee and faculty member, and 1 space for each 2 students, and 1 space for each 6 seats in a place of assembly other than a classroom.
7	Private clubs or lodge halls	1 for each 30 square feet of usable floor area.
8	Private golf clubs, health clubs, swimming clubs, tennis clubs, racquetball clubs, or other similar uses	1 for each 2 members, families or individuals plus spaces for each accessory use such as a restaurant or bar.
9	Golf courses open to the general public, except miniature or par-3 courses	6 for each golf hole and 1 for each employee, plus spaces required for each accessory use such as a restaurant or bar.
10	Tennis clubs and racquetball clubs open to general public	8 for each court and 1 for each employee, plus spaces required for each accessory use such as a restaurant or bar.
11	Fraternity or sorority	1 for each 5 permitted active members, or 1 for each 2 beds, whichever is greater.
12	Stadium, sports arena or similar place of outdoor assembly	1 for each 3 seats or 6 feet of benches.
13	Theaters and auditoriums	1 for each 3 seats, plus 1 for each 2 employees.
14	Nursery school, day nurseries or child care centers	1 for each 350 square feet of usable floor space.
(C) Business and commercial:		
1	Planned commercial or shopping center	1 for each 100 square feet of usable floor area for the first 15,000 square feet.
		1 for each 125 square feet for the next 15,001 to 450,000 square feet of usable floor area.
		1 for each 150 square feet for that area in excess of 450,000 square feet of usable floor area.

2	Auto wash (automatic)	1 for each employee. In addition, reservoir parking spaces equal in number to 5 times the maximum capacity of the auto wash. "Maximum capacity of the auto wash" shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each line by 20.
3	Auto wash (self-service or coin-operated)	5 for each washing stall in addition to the stalls themselves.
4	Beauty parlors or barbershops	3 spaces for each of the first 2 beauty or barber chairs, and 1½ spaces for each additional chair.
5	Bowling alleys	5 for each bowling lane, plus accessory uses.
6	Dance halls, catering halls, and assembly halls without fixed seats	1 for each 30 square feet of usable floor space.
7	Pool and billiard parlors, arcades, establishments for coin-operated amusement devices, and roller or skating rinks	1 for each 30 square feet of usable floor area.
8	Establishments for sale and consumption of beverages, food or refreshment:	
a	Restaurant not serving alcoholic beverages	1 for each 45 square feet of usable floor area.
b	Restaurant serving alcoholic beverages; tavern, bar, lounge	1 for each 30 square feet of usable floor area.
c	Drive-in/drive-through/fast-food or carry-out restaurant	1 for each 25 square feet of usable floor area.
9	Furniture and appliance household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	1 for each 800 square feet of usable floor area. (For that floor area used in processing 1 additional space shall be provided for each 2 persons employed therein.)
10	Gasoline service stations	2 for each lubrication stall, rack, or pit; and 1 for each gasoline pump.
11	Laundromats and coin-operated dry cleaners	1 for each 2 washing and dry-cleaning machines.
12	Par-3 golf courses	3 for each hole, plus 1 for each employee.
13	Mortuary establishments	1 for each 50 square feet of usable floor area.
14	Motel, hotel, or other commercial lodging establishment	1 for each occupancy unit, plus 1 for each employee.
15	Motor vehicle sales and service establishments	1 for each 200 square feet of usable floor space of sales room and 3 for each auto service stall in the service room.
16	Retail stores except as otherwise specified herein	1 for each 150 square feet of usable floor area.

(D) Offices:		
1	Banks and other financial institutions with drive-through windows	1 for each 200 square feet of usable floor area plus 8 stacking spaces for the first drive-through window and 6 stacking spaces for each additional window.
2	Business offices or professional offices except as indicated in the following item 3	1 for each 200 square feet of usable floor area.
3	Professional offices of doctors, dentists, medical clinics or similar professions	1 for each 45 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair, laboratory, office, or similar use area to be occupied by patients or employees.
(E) Industrial:		
1	Industrial or research establishments, and related accessory offices	5, plus 1 for every 1½ employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
2	Warehouses and wholesale establishments and related offices	5, plus 1 for every employee in the largest working shift; or 5, plus 1 for every 1,700 square feet of usable floor space, whichever is greater.
(F) Barrier free parking:		
Total Parking in Lot		Required Spaces
Up to 25		1
26—50		2
51—75		3
76—100		4
101—150		5
151—200		6
201—300		8
301—400		12
Over 400		12 plus 2 for every 250 or fraction thereof over 400

B. Planning commission may alter off-street parking requirements in lieu of expanded stormwater management system under Section 819.

## SECTION 602. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION, AND MAINTENANCE.

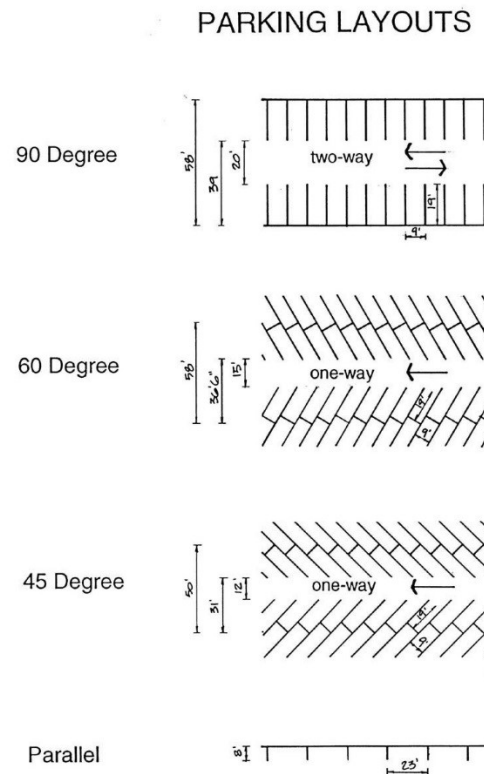
(A) Wherever the off-street parking requirements in Section 603 above require the building of an off-street parking facility, or where NT Neighborhood Transition districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(1) No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector. Applications for a permit shall be submitted to the building department in such form as may be determined by the building inspector and shall be accompanied with two sets of plans for the development and construction of the parking lot showing the provisions of this section will be fully complied with.

(2) Adequate ingress and egress to the parking lot shall be provided and approved by the city engineer and the chief of police, who shall have full power to regulate and determine the places of ingress and egress so that traffic on the streets and highways of the city shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of pedestrians passing any such parking lot, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the chief of police shall be established and maintained by the owner or lessee of the parking lot.

All drives shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 315.

(3) All spaces shall be provided adequate access by means of maneuvering lanes. (See the diagram.)



(4) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	75 deg; to 90 deg;	54 deg; to 74 deg;	30 deg; to 53 deg;
Parking space width	9 ft.	8 ft. 6 in.	8 ft. 6 in.
Maneuvering lane width	24 ft.	15 ft.	12 ft.
Parking space length	18 ft.	20 ft.	20 ft.
Total width of one tier of spaces plus maneuvering lane	42 ft.	36 ft. 6 in.	32 ft.
Total width of two tiers of spaces plus	60 ft.	58 ft.	52 ft.

(5) All maneuvering lane widths shall permit one-way traffic movement, with the exception of the 90-degree pattern, where two-way movement may be permitted.

(6) Off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of Section 807, on all sides where the next zoning district is designated as a residential district.

(7) Off-street parking facilities required for buildings or uses shall be identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately six feet above grade. Each reserved parking space shall be not less than 12 feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

### SECTION 603. OFF-STREET LOADING AND UNLOADING.

(A) On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such space shall be provided as follows:

(1) All spaces in B-1A, B-1B, and B-2 districts shall be provided in the ratio required Article III, Zoning Districts and Regulations, under minimum rear yard.

(2) All spaces in M-1 and M-2 districts shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in M-1 and M-2 districts shall be provided in the following ratio of spaces to floor area:



Gross Floor Area in Square Feet	Loading and Unloading Space Required
0-1,400	None
1,401-20,000	1 space
20,001-100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	5 spaces

(3) All loading and unloading in an M district shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, which is not a major or collector thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet.

(4) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of B-1A, B-1B, or B-2 districts fronting on a major thoroughfare and using the public alley for a loading zone, loading space shall be provided in the ratio of nine square feet per front foot of building.

(5) For O-1 districts, loading space shall be provided in the ratio of five square feet per front foot of building. Where an alley exists or is provided at the rear of buildings the rear building setback and loading requirements may be computed from the center of said alley.

## ARTICLE VII. SIGNS

### SECTION 700. PURPOSE.

The purpose of this section is to create the legal framework for a comprehensive and balanced system of signage in the City of Center Line to facilitate communication between people and their environment and to avoid the visual clutter that is potentially harmful to community appearance, traffic and pedestrian safety, property values, and business opportunities. To achieve this purpose, Article VII, Signs, has the following objectives:

- (1) To protect the aesthetic quality of the city.
- (2) To protect the general public from damage and injury caused by the distractions, hazards, and obstructions caused by excessive signage.
- (3) To preserve the value of property by assuring the compatibility of signage with surrounding land uses.
- (4) To keep signs within a reasonable scale with respect to the buildings to which they relate.
- (5) To prevent off-premises signs from conflicting with business, residential, and public land uses.
- (6) To prevent the placement of signs in a manner which will conceal or obscure other signs or adjacent businesses.
- (7) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.
- (8) To prevent hazards due to collapse, fire, collision, decay, or abandonment of signage.
- (9) To provide signage that will harmonize with the building upon which it is placed and the adjoining properties.

### SECTION 701. SIGNS AND BILLBOARDS.

**(A) District regulations.** Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows:

- (1) R-1, R-2, R-M and NT districts. For each dwelling, 1 nameplate not exceeding 2 square feet in area, indicating name of occupant. For structures other than dwelling units, 1 identification sign not exceeding 10 square feet, except a church bulletin board, not exceeding 18 square feet. For rental and/or management offices in a multiple-housing development, 1 identification sign not exceeding 6 square feet.

(2) RM-1 and CC districts. No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than 1 foot, and shall not project above or beyond the highest point of the roof or parapet. One freestanding sign shall be permitted per lot, not to exceed 35 feet in height and 36 square feet in area.

(3) B-1A, B-1B, and B-2 districts. Signs, whether freestanding or attached to a building, shall conform to the height and re-relocation regulations of the zoning district in which it is located in Article VII, Signs; except that in those instances where a use has 120 feet of frontage or more on a major thoroughfare, signs may be constructed to a height not to exceed 35 feet. No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot. No sign shall project into the public right-of-way. Wall mounted signs shall not exceed 15 percent of a building facade and three feet in height. One roof, ground, or freestanding sign shall be allowed subject to requirement of Article VII, Signs, in addition to the wall sign requirement.

(4) M-1 and M-2 districts. No sign shall project beyond or overhang the wall or any permanent architectural feature by more than 1 foot and shall not project above or beyond the highest point of the roof or parapet. The total signage area shall not exceed 1½ square feet per lineal foot of building frontage or 100 square feet, whichever is least. Billboards shall be permitted and shall comply with all setback requirements of the district.

**(B) Special conditions.** The following conditions shall apply to all signs and billboards erected in any use district:

(1) Signs shall pertain to the sale, rental, or use of the premises on which located, or to goods sold or activities conducted thereon.

(2) The zoning board of appeals may, upon application by the property owner, grant an exception the area of sign permitted where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(3) Signs or billboards advertising developments or subdivisions, and all billboards, shall be located on the property to which they apply in accordance with a permit issued by the zoning board of appeals not to exceed two years, subject to renewal upon application.

(4) All directional signs required for the purpose of orientation, when established by the city, county, state, or federal governments, shall be permitted in all use districts.

(5) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highway or adjacent property owners.

(6) No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with the traffic-control signals at the intersection of any street.

(7) Signs used for advertising land or building for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold. Said signs shall not exceed a dimension of six square feet.

(8) Permanent or temporary signs placed on or near store windows shall not cover more than 15 percent of total window area.

(9) No sign or billboard shall be erected or altered until approved by the building inspector and a permit issued.

(10) Freestanding billboards not to exceed 300 square feet in area shall be permitted so long as they meet all the requirements of Article VII, Signs, of this ordinance.

(11) Signs and billboards shall be expressly prohibited from all public rights-of-way and dedicated public easements.

(12) Buildings located on corner lots shall be permitted one wall-mounted sign on each side facing a street with a maximum of two wall signs per lot.

(13) One freestanding or roof mounted sign shall be permitted. Where parcel frontage total is 60 feet or less, the total sign area shall not exceed 48 square feet.

Where the total parcel frontage exceeds 60 feet, the total sign area shall not exceed  $\frac{3}{4}$  of a square foot per lineal foot of parcel frontage, up to a maximum of 200 square feet.

(14) Any two freestanding signs shall be separated by a distance of 40 feet.

(15) Any two freestanding signs shall be separated by a distance of 40 feet. Where compliances with this standard would not be possible due to the close proximity of existing signs on adjacent parcels, installation of a ground or freestanding sign on an intervening parcel shall be permitted provided said sign is located midway between signs on adjacent parcels.

**(C) Prohibited signs.** The following signs are prohibited, notwithstanding anything to the contrary in this chapter:

(1) Animated signs.

(2) Banner signs, except as authorized by the building department as temporary signs.

(3) Rotating signs.

(4) Signs with flashing, blinking or moving lights, including moving message boards.

(5) Signs with exposed incandescent lights.

(6) Balloons, excepting as approved by the building department as temporary signs.

(7) Strings of lights, excepting holiday decorations.

(8) Any sign which is structurally unsafe or is capable of causing electrical shock.

(9) Any sign which obstructs a window, door or other opening used for a fire escape.

(10) Any sign which makes use of the words "Stop," "Look," "Danger," or any other words or phrases that would tend to mislead or confuse vehicle operators.

(11) Any sign containing obscene or indecent matters.

(12) Any sign unlawfully installed or erected.

- (13) Any sign which no longer advertises a bona fide business or product.
- (14) Any sign attached to a standpipe, gutter drain or fire escape, or any sign designed or erected as to impair access to a roof.
- (15) Any sign that would project into any public right-of-way or other access way.
- (16) Any sign which is attached to a tree, fence, or utility pole.
- (17) Portable or temporary signs except as authorized by the building department as temporary signs.
- (18) Sidewalk signs.
- (19) Projecting signs over public property.
- (20) Bench signs.
- (21) Any other sign not specifically permitted by this Section.

**(D) Temporary signs.** Temporary signs requiring approval by the building department include portable signs, banner signs, and balloons. (Sidewalk signs are specifically prohibited by this ordinance.)

- (1) Permit required. No temporary sign shall be displayed upon any land within the city without prior approval for such display having been obtained from the building department.
- (2) Requirements for approval. The building department shall not signify its approval for the display of a temporary sign unless the following requirements have been met:
  - (a) That such proposed display shall be for definite consecutive dates not to exceed 14 days.
  - (b) That the director of public safety or his designated representative shall certify that the proposed location of the temporary sign will not cause traffic congestion, impede traffic, block access to off-street parking spaces, conflict with traffic signalization or signage, or otherwise interfere with orderly traffic movement.
  - (c) That the proposed location of the temporary sign shall not be on any public right-of-way.
  - (d) That the proposed location for the placement of the temporary sign shall not be closer than ten feet from any driveway, road, streets, alley, sidewalk or other public property, not placed upon any property other than where the business or product advertised is located or sold. Non-profit organizations may advertise fund raising events and similar occasions on other than their own property if written permission of the owner of the proposed location accompanies the application.
  - (e) That each application for a permit for a temporary sign shall include a description or sketch showing how such sign shall be affixed to the ground or some stationary structure which will prevent the sign from rolling, tumbling, blowing, or being pushed onto any driveway, street, alley, or other public property.
  - (f) For the purposes of this subsection a shopping center shall be considered one premise.
  - (g) That no temporary sign shall exceed 32 square feet in area.

**(E) Nonconforming signs.**

(1) Signs erected, constructed or installed prior to the effective date of this ordinance and which do not conform to the regulations and restrictions contained in this chapter shall be deemed to be a "nonconforming sign."

(2) Nonconforming signs:

(a) Shall not be changed to another nonconforming sign.

(b) Shall not have any changes made in the words or symbols used or the message displayed unless the sign is specifically designed for periodic change of message.

(c) Shall not be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.

(d) Shall not have the face or faces changed when such sign is of a type of construction to permit such a complete change of the face.

(e) Shall not be repaired or replaced after being damaged if the repair or replacement would cost more than 50 percent of the cost of an identical new sign.

**(F) Electronic message signs.** Shall be permitted within the B-1A, B-1B, B-2, M-1 and M-2 zoning districts. Such sign must be freestanding. Such sign shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

(1) An electronic message sign is permitted and regulated as a ground sign per Section 17.07. Wall signs are prohibited.

(2) A maximum of one (1) electronic message sign is permitted per property, business or business center occupied by multiple businesses, uses or buildings.

(3) The electronic display shall not flash, pulse or scroll.

(4) The frequency of the message change shall:

(a) Not exceed once every ten (10) seconds.

(b) Be completed in one (1) second.

(c) Occur simultaneously over the entire face of the electronic message sign.

(5) The maximum area of all electronic message signs shall not exceed fifty percent (50%) of the total permitted sign area.

(6) The maximum elevation of an electronic message sign shall not exceed six (6) feet. Such sign shall be setback ordinance requirements inclusive of the sign structure. Signs advertising fuel prices shall not exceed twelve (12) feet in elevation. Elevations are measured from grade level to top of sign structure.

(7) The width of an electronic sign shall not exceed eight (8) feet.

(8) No sign shall orient to face a residentially zoned property.

(9) No advertising of products, services or similar sold or located off-premise is permitted.

(10) The intensity of the display on any variable electronic message sign shall not exceed the levels specified in the chart below:

Intensity Levels (NITS)		
Color	Daytime	Nighttime
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

(11) Prior to issuing a permit for an electronic message sign, applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method deemed appropriate by the Department. The characters on any variable electronic message sign must be lighted against a darker or less luminous background.

(12) The property owner and sign operator shall provide contact information for a person that is available to promptly turn off the variable electronic message sign after a malfunction. The property owner and sign operator shall correct the malfunction or remove power to the sign within twenty-four (24) hours of a request by the City of Center Line.

(13) A sign base and side supports shall be installed. The top of the base shall be set a minimum one (1) foot above grade level. The base and side supports shall be faced with material matching the texture and color of the principal building.

(14) An electronic message sign shall be required to be shut off between the hours of 10:00 p.m. or the closing time of normal business hours, whichever is later, and 7:00 a.m. or the opening of business hours, whichever is earlier.

(15) Signs which constitute nonconforming uses under Article VII, Signs, of this Ordinance, or as to which variance(s) has/have been granted for sign size, height, location, or number, must be eliminated or brought into conformity with all currently applicable ordinance limits prior to the issuance of a variable electronic message sign permit for the business, business center, and/or regional center to which such nonconforming sign(s) pertain(s).

(16) An electronic message sign which does not comply with the provisions of this subsection shall not be permitted in any zoning district in the City

## ARTICLE VIII. GENERAL PROVISIONS

### SECTION 800. PURPOSE.

(A) Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such (other) ordinance shall govern.

(B) No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

### SECTION 801. NONCONFORMING USES, STRUCTURES, AND LOTS.

(A) Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit some nonconformities to continue until they are removed, but not to encourage their survival. Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the enactment or amendment of this ordinance shall be declared illegal uses and shall be discontinued. Provisions of this ordinance regulating the hours a business may operate or otherwise regulating the operation of a business shall not be subject to nonconforming use status. Amendments to this ordinance regulating hours of operation for any business shall be immediately complied with.

Generally, nonconforming uses and structures are declared by this ordinance to be incompatible with permitted uses in the district involved but increasing awareness that some nonconforming uses, buildings or structures will not disappear make it necessary and desirable in pursuit of the public interest to distinguish between nonconforming uses, buildings or structures which should be eliminated as rapidly as possible and nonconforming uses, buildings or structures which ought to be given separate treatment.

To this end, there are established two classes of nonconforming uses and structures: (1) Class A, those that should be restored, reconstructed or have substituted nonconforming uses and, (2) Class B, those that are not desirable and useful and will only be allowed to be continued until they are removed or voluntarily discontinued.

**(B) Definition and classification.** All nonconforming uses, buildings or structures shall be classified as class B nonconforming uses at adoption of this ordinance. Class A nonconforming uses, buildings, or structures are those which have been so designated by the zoning board of appeals upon findings that (1) continuance thereof would not be contrary to the public health, safety or welfare, or the spirit and intent of this ordinance, (2) that the use, building or structure does not and is not likely to significantly depress the value of nearby properties, (3) that the use, building or structure was lawful at the time of its inception, and (4) that no useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use, building or structure does not conform.



**(C) Procedure for obtaining class A designation.** A written application shall be filed with the building inspector and the zoning board of appeals setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the zoning board of appeals to make determination of the matter. The zoning board of appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the zoning board of appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.

The zoning board of appeals may attach conditions, including any time limit, where necessary, to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this section.

**(D) Revocation of class A designation.** Any class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances, the use or structure no longer qualifies for class A designation.

**(E) Regulations pertaining to class (A)** A class A nonconforming use of land, building or structure shall not be resumed if it has been for any reason discontinued for a continuous period of at least 12 months or if it has been changed to another nonconforming use for any period.

A class A use or structure may be used, altered or enlarged provided that it does not violate any condition imposed by the zoning board of appeals at the time of its designation.

Nothing in this section shall prevent the restoration of a class A nonconforming building or structure destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the effective date of its class designation, or shall prevent the continuance of the use of such building or structure or part thereof as such use existed at the time of such impairment of such building or structure or part thereof provided that said restoration is completed within 12 months from the time of destruction and that the same use is made of the premises; except that for reasonable cause, the building official may grant one extension of time for an additional period specified by the zoning board of appeals or the building inspector, but not exceeding 90 days.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any class A nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Should a class A nonconforming building or structure be moved for any reason, it shall thereafter conform to the regulations for the district (zone) in which it is located after it is moved.

Where class A nonconforming use status applies to a building and/or structure and premises in combination, removal of the building or structure shall eliminate the nonconforming status of the land.

Any class A nonconforming use of a building or structure or land may be changed to another nonconforming use upon written findings of the zoning board of appeals that the proposed use is:

- (1) Similar in operational characteristics as the former nonconforming use.
- (2) There is no increase in the intensity of the use of the land, building or structure involved.

(3) Such change in use will have a less detrimental effect or negative impact on neighboring property than the existing nonconforming use it is replacing, and

(4) The proposed use, although inappropriate to a uniform zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the zoning district than the existing nonconforming use.

In permitting such a change in use, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance inclusive of upgrading the premises to comply as nearly as is practicable with requirements of this ordinance.

Prior to action by the zoning board of appeals, all required documentation for a change from one nonconforming use to another shall be submitted to the planning commission for their review and written recommendation.

**(F) Regulations pertaining to class (B)** No class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repairs exceeds 50 percent of the state equalized value.

Nothing in this ordinance shall be deemed to prevent routine repairs and maintenance of a class B nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity or exceed 50 percent of the state equalized value for the property.

No class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the state equalized value of such structure.

No class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.

No class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

Change in ownership of a class B nonconforming use shall not affect its continuation as a nonconforming use if it meets all of the other criteria of this section.

**(G) Nonconforming lots.** With respect to construction of one-family dwellings and customary accessory buildings on residentially-zoned lots which fail to meet area and width requirements, the zoning board of appeals shall determine in each case whether the lot may be developed based on the size of lot in relation to the proposed residential structure, the lot coverage and density of development, adequacy of access, the proposed setbacks, and the conformity of the proposed structure to the adjoining properties and the surrounding neighborhood. If the proposed development does not satisfactorily meet the above criteria, it shall be denied.

**(H) Nonconforming buildings and nonconforming structures.** Nonconforming buildings and nonconforming structures may continue to be utilized so long as they remain otherwise lawful, subject to the following provisions:

(1) No such building or structure shall be allowed to expand and/or undergo substantial improvement. Such buildings and structures may be altered in a way which either decreases its

nonconformity upon its existing foundation to bring it in closer conformity with the provisions of this Zoning Ordinance, or does not expand the nonconforming portion of a building or structure. It is recognized that in some instances a strict prohibition against expansion of a nonconforming building or structure may create an undue hardship on the property owner. In such instances, non-substantial improvements of such buildings and structures may be reasonable and necessary to preserve or improve the quality of the neighborhood or business district; provided such modifications do not threaten public health, safety or welfare nor prevent the reasonable use of neighboring property. The following improvements to nonconforming buildings and structures shall not be considered expansions or substantial improvements under this Section:

(a) Maintenance repairs, and modifications required by the Building Official to eliminate unsafe conditions.

(b) Improvements to existing parking, loading, and landscaping areas that result in a more conforming site, provided that such improvements shall comply with the requirements of this Zoning Ordinance.

(c) Construction of a vertical addition to an existing building or structure that will comply with all height and story restrictions of the zoning district, provided the exterior walls and overhangs of the vertical addition shall extend no closer to any property line than the existing building/structure footprint.

(2) Should any portion of a nonconforming building or structure, including those improvements allowed under subsection (H) above, be abandoned in accordance with Section 803, building permits for reconstruction shall not be issued by the Building Official until site plan approval is received in accordance with Article X, Review Procedures and Requirements.

(3) Should such building or structure sustain substantial structural damage, it shall thereafter be reconstructed in conformance to all regulations for the district in which it is located.

(4) Should such building or structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## **SECTION 802. ACCESSORY BUILDINGS.**

(A) Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to main buildings.

(2) In residential districts accessory buildings shall not be erected in any yard, except a rear yard.

(3) 25 percent of a rear yard or 720 square feet, whichever is least. An accessory building shall not be greater than 30 feet in width and hold not more than three private motor vehicles.

The area of all impervious-surfaced drives and approaches to an accessory building shall be approved by the building inspector.

(4) An accessory building in all other districts may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard.

(5) No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than two feet to any side or rear lot line with eaves no closer than one foot to any lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than two feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

(6) No detached accessory building in (an) R-1, R-2, R-M, B-1A, B-1B, B-2, or NT district shall exceed one story or 14 feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to zoning board of appeals review and approval.

(7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. No accessory building shall be located closer than ten feet to a street right-of-way.

(8) When an accessory building in any residence, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the zoning board of appeals.

### **SECTION 803. WIRELESS COMMUNICATION FACILITIES.**

**(A) Purpose and intent.** It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner which will protect the public health, safety and welfare and retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, and changes in State and Federal legislation, it is the further purpose and intent of this section to:

(1) Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

(2) Establish predetermined districts in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

(3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined

that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.

(4) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

(5) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

(6) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

(7) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.

(8) Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for wireless communication facilities requests.

**(B) Authorization.**

(1) As a Permitted Use Subject to Site Plan Approval. In all Zoning Districts, a wireless communication facility described in this Section shall be a permitted use subject to the standards and conditions set forth, the application requirements, the collocation requirements, the procedures, and any prior special land use or site plan approval conditions.

(a) Wireless communications equipment attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential zoning district, where there will be no substantial change in physical dimensions of the existing structure.

(b) A proposed collocation upon a wireless communication support structure which has been approved by the City for such collocation but which is not permitted by administrative review.

(c) Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.

(d) Attached wireless communication facilities that are not permitted by administrative review.

**(C) As a Special Land Use.** Unless permitted, wireless communication facilities require approval as a special land use, which shall be subject to the standards and conditions, the application requirements, the collocation requirements, the procedures, and a demonstration of the need for the proposed facility based on one or more of the following factors:

(1) Proximity to an interstate or major thoroughfare.

(2) Areas of population concentration.

- (3) Concentration of commercial, industrial, and/or other business centers.
- (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
- (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- (6) Other specifically identified reason creating facility need.
- (7) If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted, such wireless communication facility may be considered and permitted elsewhere in the City as a special land use, subject to the following:
  - (a) In the application, the applicant shall demonstrate that no existing structure identified above can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
  - (b) Wireless communication facilities shall be of a “stealth” design such as, without limitation, a steeple, bell tower, tree, or other monopole structure which is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.
- (8) Locations outside the zoning districts identified shall be limited to the following sites:
  - (a) Municipally-owned sites.
  - (b) Other governmentally owned sites.
  - (c) Religious or other institutional sites.
  - (d) Public or private school sites.
  - e. Other sites if they are available and suitable, as demonstrated in the application and determined by the Planning Commission and City Council.
- (9) The applicant’s demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated.
- (10) For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant’s demonstration that the proposed facility is more consistent with the ordinance purposes stated, and/or that such alternate is not feasible.

**(D) Wireless Communication Equipment as a Permitted Use Subject to Administrative Review.**

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review and written certification by the Zoning Administrator to the

construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions, with the certification to identify any items of noncompliance.

- (1) The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.
- (2) The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and/or wireless communications compound.
- (3) The proposal will not increase the height of the wireless communications support structure by more than 20 feet or 10% of its original height (as first erected without any later additions), whichever is greater.
- (4) The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- (5) The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

**(E) Review Standards and Conditions.**

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

- (1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (2) Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
- (3) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (4) Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures shall not exceed the minimum height necessary for collocation by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as contracted or otherwise committed to use of the structure. Except as needed for essential services, and regardless of the number of collocutors, wireless communication support structures shall not exceed a height of 140 feet in height. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (5) The minimum setback of the support structure and equipment compound from an adjacent boundary of any property shall be equal to 125% of the height of the support structure.

(6) There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

(7) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(8) The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound upon a demonstration by the applicant, and approval by the City, that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. Equipment compounds shall include landscaping and screening approved by the City along the perimeter of the compound, exclusive of a singular entry point, that at time of initial installation shall have a minimum height equal to the height of the tallest building or piece of equipment located within the equipment compound, but in no case less than eight (8) feet in height, exclusive of the support structure. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including yard setbacks. Where a wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. Wireless communication facilities mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design; contour and color scheme of the building.

(9) The City shall review and approve the architecture and color of the support structure and all accessory buildings and structures so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the City as a special land use approval condition. Any such requirements and standards shall be documented by the Applicant.

(10) The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered professional engineer that identifies any modifications to an existing structure necessary to such capability.

(11) Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions for the proposed use, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.

(12) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile



telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the City of any changes.

**(F) Application Requirements.**

All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:

- (1) A site plan prepared in accordance with Section 1000 shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
- (2) The site plan shall also include a detailed landscape plan. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory building(s) or enclosure. In all cases, fencing of a minimum height equal to the tallest building or piece of equipment located within the equipment compound, but in no case less than eight (8) feet in height exclusive of the support structure, shall be required for protection of the support structure and security from children and other persons who may otherwise access the facilities.
- (3) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the City Council.
- (4) A map or plan showing the locations and heights of existing wireless communications support structures in the City and communities adjoining the City, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
- (5) The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be kept current by immediate written notice of the City of any changes.
- (6) An application fee in an amount established by Resolution of the City Council.
- (7) Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
- (8) If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the City by a registered professional engineer that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
- (9) If modifications to a wireless communications support structure are identified in a structural analysis under subsection (8) above, a written determination by the City construction code building official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.

(10) If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one collocation.

(11) If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.

(12) If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.

(13) If the application is for a new wireless communications support structure, identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes, than alternate sites, locations, designs, placements and features.

(14) Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.

(15) If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.

(16) For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the City, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.

(17) The Applicant's email address, fax number or address to which the City should direct notices regarding the Application.

**(G) Collocation.**

(1) Statement of Policy. It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in subsection (A) above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in subsection (A). If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result

will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the City. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the City.

(2) Feasibility of collocation. Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

(a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

(b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(c) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards contained in subsections (b) and (c), above.

(3) Requirements for Collocation.

(a) The construction and use of a new wireless communication facility shall not be granted unless’ and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

(b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

(c) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.

(d) If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

#### **(H) Removal.**

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
- (2) A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- (3) The situations in which removal of a facility is required, as set forth in paragraph (2) above, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the Zoning Administrator.
- (4) If removal of all or part of a facility is required, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- (5) The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under paragraph (2) above. If removal is not completed within that time, after at least 30 days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

#### **(I) Procedures.**

- (1) Review and administrative actions on special land use and site plan approval applications.
  - (a) The Zoning Administrator shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it, the Zoning Administrator shall provide a written or electronic notice to the Applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the Planning Commission for special land use and site plan approvals.
  - (b) The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
  - (c) An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
  - (d) Upon a special land use or site plan approval application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (2) below.
  - (e) If the application has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the City of any such opinion should be performed, the reasonable costs of such review may be

assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.

(2) Decisions on special land use and site plan approval applications.

(a) The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.

(b) For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.

(3) Post-approval costs, fees and administrative actions. Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:

(a) Any conditions of the special land use or site plan approval.

(b) Payment of any outstanding professional review costs as described in subsection (G).

(c) Payment of a permit fees in an amount established by or in accordance with a Resolution of the City Board.

## **SECTION 804. PERFORMANCE STANDARDS.**

(A) No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

(B) Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as no. 1 of the Ringlemann chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than no. 2 of the Ringlemann chart for a period or periods, aggregating four minutes in any 30 minutes.

Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann chart, as published by and used by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, Umbrascope readings of smoke densities may be used when correlated with Ringlemann's chart.

Emission from fireplaces used for non-commercial or purpose shall be exempt.

(C) Dust, dirt and fly ash. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air. This

ordinance requires that the quantity of gas borne or airborne solids shall not exceed 0.20 grain per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit or as regulated the Michigan Department of Environmental Quality MDEQ..

Method of Measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent of full load. The foregoing requirement shall be measured by the A.S. (M) (E) Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building official or inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

(D) Odor emissions. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured in excess of the following limits:

(1) For areas used predominately for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.

(2) In all other land-use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air.

(3) When the source is a manufacturing process, no violation of subsection (G), herein shall be cited by the city, provided that the best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and, where applicable, in determining the best practical control methods, the city shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.

(4) For all areas, it is a violation when odors are detected after the odorous air has been diluted with 127 or more volumes of odor-free air, in which case provisions of subsection (F) herein shall not be applicable.

(E) Gases. SO<sub>2</sub>, as measured at the property line, shall not exceed an average of 0.3 p.p.m. over a 24-hour period; provided, however, that a maximum concentration of 0.5 p.p.m., will be allowed for a one-hour period out of a 24-hour period; H<sub>2</sub>S shall not exceed 0.1 p.p.m.; fluorine shall not exceed 0.1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; CO shall not exceed 15 p.p.m.

(F) Airborne matter, general. In addition to subsections (A) through (E) above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

(G) Open storage. The open storage of any industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall six feet in height.

(H) Glare and radioactive materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(I) Fire and explosive hazards.

(1) In the M-1 and M-2 districts, the storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with other performance standards above mentioned.

(2) The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

(a) Said material or products shall be stored, utilized or produced within completely enclosed buildings and structures having incombustible exterior walls, which meet the requirements of the building code of the City of Center Line.

(b) All such buildings or structures shall be set back at least 40 feet from lot lines; or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.

(c) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by Act No. 207 of the Public Acts of Michigan of 1941, as amended.

(J) Noise. The emission of measurable noises from the premises shall not exceed 65 decibels as measured at the boundary property lines, except that where normal street traffic noises exceed 65 decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Within M-1 districts, sound levels not exceeding 70 decibels may be permitted; and within M-2 districts, sound levels not exceeding 75 decibels may be permitted.

In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

(K) Vibration. Machines or operations which cause vibration shall be permitted in industrial districts, but no operation shall cause a displacement exceeding 0.003 of one inch as measured at the property line.

(L) Sewage wastes.

(1) Sewage wastes. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.

(2) Acidity or alkalinity shall be neutralized within an average pH range of 5½ to 7½ as a daily average on a volumetric basis, with a temporary variation of pH 4.50 to 10.0.

(3) Wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of 0.1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulfide; and shall contain no more than 10 p.p.m. of sulfur dioxide and nitrates; and contain no more than 25 p.p.m. of chromates.

(4) Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a no. 8 standard sieve or have a dimension greater than one-half inch.

(5) Wastes shall not have a chlorine demand greater than 15 p.p.m.

(6) Wastes shall not contain phenols in excess of 0.05 p.p.m.

(7) Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

## **SECTION 805. LANDSCAPING, GREENBELTS AND BUFFERS, AND SCREENING.**

(A) Intent. The intent of this section is to:

(1) Protect and preserve the appearance, character, and value of the community.

(2) Minimize noise, air, and visual pollution.

(3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.

(4) Require buffering of residential areas from more intense land uses and public road rights-of-way.

(5) Prevent soil erosion and soil depletion and promote subsurface water retention.

(6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.

(7) Encourage the use of desirable native species of plants for all landscaping and to maximize the use of native plant species in landscaping all areas of a site, including but not limited to, foundation plantings, lawn areas, screening and greenbelt areas, and surface stormwater conveyance features.

Encouraging the use of native plants in this ordinance is based on the following:

(a) Native plants are a necessary part of the proper functioning of natural ecosystems within the city and the county and perform tasks including, but not limited to, stormwater attenuation, uptake and purification, air purification, wildlife food and habitat, and community character and aesthetics; and



(b) Landscaping with native plants encourages environmentally-sound maintenance practices by requiring little or no pesticide or fertilizer use, and minimal watering once plants are established, which, in turn, reduces the threat of environmental degradation.

(B) Application of requirements. These requirements shall apply to all uses for which site plan review is required under Article X, Review Procedures and Requirements, of this ordinance and subdivision plat review as required under the subdivision control ordinance. No site plan, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

(C) Landscape plan requirements. A separate detailed landscape plan shall be required to be submitted to the city as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each plant type.
- (2) Typical straight cross section including slope, height, and width of berms.
- (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- (5) Identification of existing trees and vegetative cover to be preserved.
- (6) Identification of grass and other ground cover and method of planting.
- (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

(D) Screening between land uses.

(1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.

(2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the city. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade.

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this zoning ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the city may approve an alternate location of a wall. The city shall approve the construction materials of the wall or fence which may include face

brick, poured-in-place simulated face brick or precast brick face panels having simulated face brick, stone or wood. At the discretion of the planning commission, landscaping consisting of one tree and six shrubs per 20 linear feet may be required to break-up the blank expanse of the screening wall facing the adjacent land use.

(E) Parking lot landscaping.

(1) Required landscaping within parking lots. Separate landscape areas shall be provided within parking lots in accordance with the following requirements:

(a) There shall be a minimum of one tree for every eight parking spaces.

(b) A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.

(c) The city, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.

(2) Required landscaping at the perimeter of parking lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:

(a) Parking lots which are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth in Article VI, Off-Street Parking and Loading.

(b) Parking lots shall be screened from view with a solid wall at least four feet in height along the perimeter of those sides which are visible from a public road. The city, at its discretion, may approve alternative landscape plantings in lieu of a wall.

(F) Greenbelts. A greenbelt shall be provided which is an area established at a depth of the required front yard setback within a zoning district and landscaped in accordance with the following requirements:

(1) The greenbelt shall be landscaped with a minimum of one tree for every 30 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of 1½ inches or greater. Evergreen trees within a greenbelt shall be a minimum height of four feet.

(2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of 1½ inches or greater.

(3) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.

(4) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

(5) The required greenbelt or planting screen shall be planted with permanent living plant materials within six months from the date of occupancy and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy, and vigorous growing condition, and shall be kept free of plant diseases and insect pests.

(G) Site landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.

Landscape elements. The following minimum standards shall apply:

(1) Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to the county, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and / or inspections.

(2) Composition. A mixture of plant material, such as evergreen deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

(3) Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

(4) Existing trees. The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:

(a) Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.

(b) If existing plant material is labeled "To Remain" on site plans by the applicant or required by the city, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the city.

(c) In the event that healthy trees which are used to meet the minimum requirements of this ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the city, the contractor shall replace them with trees which meet ordinance requirements.

(H) Installation, maintenance, and completion.

(1) All landscaping required by this ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee, as set forth in Section 805, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

(2) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound work man like manner, according to accepted planting and grading procedures.

(3) The owner of property required to be landscaped by this ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this ordinance which become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

(I) Prohibited plant species. Installation of the following landscape material to satisfy landscape ordinance requirements shall be strictly prohibited. Installation and maintenance of the following landscape materials shall be prohibited in city rights of way. These plants are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems.

Common Name	Scientific Name
<b>Trees:</b>	
Norway Maple	Acer platanoides
Amur Maple	Acer ginnala
Tree of Heaven	Ailanthus altissima
European Alder	Alnus glutinosa
White Poplar	Populus alba
Black Locust*	Robinia pseudocacia
Siberian Elm	Ulmus pumila

\*A native species, but tends to be invasive.

Common Name	Scientific Name
<b>Shrubs and vines:</b>	
Porcelainberry	Ampelopsis brevipedunculata
Japanese Barberry	Berberis thunbergii
Common Barberry	Berberis vulgaris
Butterfly Bush	Budlia davidii
Oriental Bittersweet	Celastrus orbiculatus
Autumn Olive	Eleagnus umbellata
Russian Olive	Eleagnus angustifolia
Burningbush	Euonymus alatus
Wintercreeper	Euonymus fortunei
English Ivy	Hedra helix
Privet	Ligustrum vulgare
Japanese Honeysuckle	Lonicera japonica
Amur Honeysuckle	Lonicera maackii
Morrow Honeysuckle	Lonicera morrowi
Morrow Honeysuckle	Lonicera tatarica
Common Buckthorn	Rhamnus cathartica

Glossy Buckthorn	Rhamnus frangula
Multiflora Rose	Rosa multiflora
Japanese Spiraea	Spiraea japonica
Guelder Rose	Viburnum opulus var. opulus
<b>Grasses and Grass-Like Plants:</b>	
Chinese Silver Grass	Miscanthus sinensis
Giant Reed	Phragmites communis
Reed Canary Grass	Phalaris arundinacea
<b>Flowers and Groundcovers:</b>	
Garlic Mustard	Alliaria officinalis
Spotted Knapweed	Centaurea maculosa
Crown Vetch	Coronilla varia
Queen Ann's Lace	Daucus carota
Foxglove	Digitalis purpurea
Japanese Knotweed	Fallopia japonica
Dame's Rocket	Hesperis matronalis
Purple Loosestrife	Lythrum salicaria
Myrtle, or Periwinkle	Vinca minor

(J) Minimum size and spacing requirements. Where landscaping is required the following schedule sets forth minimum size requirements;

(K) Size and Spacing Requirements.

(1) The following shrubs are representative Minimum Size Allowable.

The following shrubs are representative	Minimum Size Allowable			
	Height/Spread			
Shrubs	6'	3'-4'	24"-36"	18"-24"
<b>Evergreen Shrubs:</b>				
Pyramidal Yew		✓		
Hicks Yew				✓
Brown and Wards Yew			✓	
Alberta Spruce		✓		
Chinensis Juniper Varieties			✓	
Sabina Juniper				✓
Mugho Pine				✓
Horizontal Juniper Varieties				✓
Boxwood				✓
Euonymous varieties				✓
<b>Deciduous Shrubs:</b>				
Honeysuckle			✓	
Lilac			✓	
Sumac			✓	
Pyracantha				✓
Weigela			✓	
Flowering Quince			✓	
Dogwood			✓	
Viburnum varieties			✓	
Spirea				✓
Fragrant Sumac				✓
Potentilla				✓

(2) The following trees are representative Minimum Size Allowable

The following trees are representative	Minimum Size Allowable			
	Height		Caliper	
Trees	6'	3'-4'	2.0"	2.5"
<b>Evergreen Trees:</b>				
Fir	✓			
Spruce	✓			
Pine	✓			
Hemlock	✓			
Douglas Fir	✓			
<b>Narrow Evergreen Trees:</b>				
Red Cedar		✓		
Arborvitae		✓		
Juniper (selected varieties)		✓		
<b>Large Deciduous Canopy Trees:</b>				
Oak				✓
Maple				✓
Beech				✓
Linden				✓
Ash				✓
Ginko (male only)				✓
Honeylocust (seedless, thornless)				✓
Birch				✓
Sycamore				✓
<b>Small Deciduous Ornamental Trees:</b>				
Flowering Dogwood			✓	
Flowering Cherry, Pear			✓	
Hawthorn			✓	
Redbud			✓	
Magnolia			✓	
Flowering Crabapple			✓	
Serviceberry			✓	
Hornbeam			✓	

## SECTION 806. EXTERIOR LIGHTING.

(A) Residential lighting standards. All outdoor lighting in residential use districts used to light the general area of a site shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lights away from all adjacent residential districts or adjacent residences.

(B) Non-residential lighting standards.

(1) Time period. Required lighting shall be turned off daily from ½ hour before sunrise to ½ hour after sunset.

(2) Permitted lighting. Only non-glare, color-corrected lighting shall be permitted. In commercial and industrial districts, full cutoff shades are required for light sources higher than 15 feet so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(C) Intensity.

(1) Site lighting. Lighting for uses adjacent to residential properties shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot-candle over the entire area, measured five feet above the surface.

(2) Parking lots. Parking lot illumination levels shall conform to the following standards:

(a) For residential uses, churches, schools and child care facilities, all parking lots must be illuminated at levels of at least 0.4 but not exceed 0.6 foot-candles.

(b) For non-residential uses, illumination levels shall be a function of the size of the parking lot:

Size	Minimum Illumination
Small (5—10 spaces)	0.4
Medium (11—99 spaces)	0.6
Large (100+ spaces)	0.9

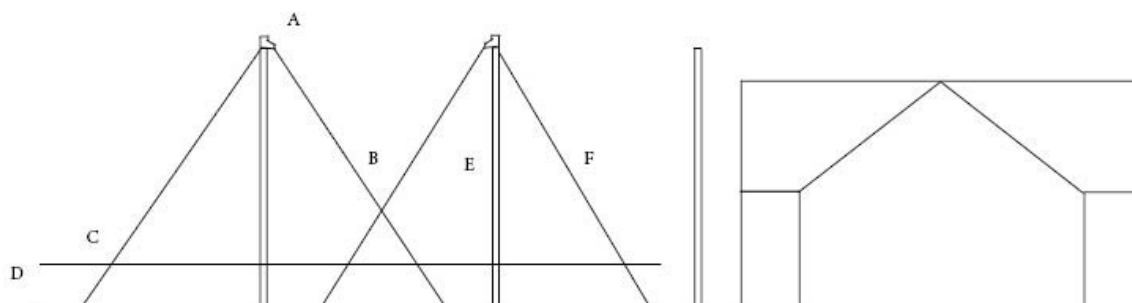
(D) Height. Except as noted below, lighting fixtures shall not exceed a height of 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven feet above ground level (See attached diagram). The planning commission may modify these height standards in the commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of the surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located. More specifically, in industrial districts the height of lighting fixtures may be equal to the height of the principal building on the site on which the lighting is located, provided that such lighting does not exceed 30 feet and is located at least 200 feet from any residential district.

(E) Sign lighting. Signs shall be illuminated in accordance with the regulations set forth in the adopted sign ordinance, Article VII, Signs.

(F) Site plan requirements. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these



specifications is to minimize undesirable off-site effects. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provisions.



#### Diagram Notes:

(A) Non-glare, color corrected lighting with full cutoff shades for commercial and industrial sites, on daily from a ½ hour after sunset to a ½ hour before sunrise.

(B) Overlapping light pattern at approximately seven feet.

(C) Average minimum light intensity: 0.5 foot-candle, not to exceed a maximum of 20 foot-candles, measured five feet above the surface.

(D) Minimum light intensity at ground level, anywhere on site: 0.3 foot-candle.

(E) Maximum height: Twenty-five feet or height of building, whichever is less, unless modified by planning commission.

(F) Light directed away from adjoining properties. Uses adjacent to residential properties must maintain illumination levels not to exceed 0.1 foot-candles at the property line, and uses adjacent to non-residential properties must maintain levels not to exceed one foot-candle.

(G) For residential uses, churches, schools, and child care facilities, all parking lots must maintain illumination levels of at least 0.4 but not exceed 0.6 foot-candles. For non-residential uses, illumination levels shall be a function of the size of the parking lot Article VI, Off-Street Parking and Loading.

## SECTION 807. WALLS AND BERMS.

(A) For the use districts and uses listed below, there shall be provided and maintained, on those sides abutting or adjacent to a residential district, an obscuring wall or landscaped berm as required below. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall:

Use		Height Requirements
a.	RM and RM-1 districts (on those sides adjacent to one-family residential districts)	4 ft. 6 inch; to 6 ft. 0 inch high
b.	NT Neighborhood Transition district (See Article III, Zoning Districts and Regulations)	3 ft. 0 inch to 6 ft. 0 inch high
c.	Off-street parking area (other than vehicular parking districts)	4 ft. 6 inch to 6 ft. 0 inch high
d.	B-1A, B-1B, B-2 and CC districts	4 ft. 6 inch to 6 ft. 0 inch high
e.	M-1 and M-2 districts	5 ft. 0 inch to 8 ft. 0 inch; high wall or berm or, upon approval of the planning commission, a chain link type fence and a 20-foot to 30-foot wide greenbelt planted in accordance with Section 805. The planning commission shall consider the continuity of the required wall or greenbelt and the planned and present use of adjacent parcels when making such decisions and in determining the width of the greenbelt.
f.	Hospital—Ambulance and delivery areas	6 ft. 0 inch high
g.	Utility buildings, stations, and/or substations	6 ft. 0 inch high

(B) In the case of variable wall or berm height requirements such as in subsections (a), (b), (c), (d), and (e) above, the extent of obscuring wall or berm shall be determined by the planning commission on the basis of land usage; provided further that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum height.

(C) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with yard setback lines. Required walls may, upon approval of the zoning board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the zoning board of appeals in reviewing such request.

(D) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the building inspector. All walls herein required shall be constructed of face brick or comparable nonporous facing materials on the exterior sides facing a residential district and shall be approved by the building inspector to be durable, weather-resistant, rustproof and easily maintainable; and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20 percent of the surface. Where walls are so pierced, the openings shall be so spaced as to

maintain the obscuring character required, and shall not reduce the minimum height requirements. The arrangement of the openings shall be reviewed and approved by the building inspector.

(E) Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the building inspector. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.

Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.

A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material contained herein.

(F) The planning commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood or contrary to the spirit and purpose of this ordinance; provided that in no instance shall a required wall or berm be permitted to be less than four feet six inches in height.

In consideration of a request to waive wall or berm requirements between residential and nonresidential district, or as otherwise required herein, the planning commission shall consider:

(1) Whether or not the residential district is considered to be an area in transition and will become nonresidential in the future based on the adopted master plan.

(2) Whether or not the existing use of land adjacent thereto is such that the obscuring effect of a wall or berm would achieve no substantial screening function.

(3) Whether or not the ground elevation of the site in question and the land adjacent thereto is such that a wall or berm would not be required to provide the required obscuring effect.

The planning commission may temporarily waive wall or berm requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described for each subsequent waiver.

## **SECTION 808. FENCES RESIDENTIAL.**

(A) Fences are permitted or required subject to the following:

(1) Fences on all lots of record in all residential districts which enclose property or are within a required rear yard shall not exceed six feet in height and shall not extend toward the front of the lot nearer than the front building line of the house. For [The] foregoing restriction pertaining to the extension of fences into the front yard shall not apply to recorded lots having a lot area in excess of

two acres and a frontage of at least 200 feet in all residential zoning districts not included within the boundaries of a recorded plat.

(2) Fences, such as, but not limited to, split rail, picket, wrought iron that is constructed for landscape effect may be allowed in the front yard setback. Fences constructed under this section shall not be intended to enclose, nor be capable of enclosing, animals, chattels or human beings. In no instance shall the surface areas which are encompassed by the outermost limits of such fence obstruct vision by more than 25 percent nor have a height greater than 30 inches.

(3) No fence may be constructed that will obstruct the view from a driveway with an existing or proposed sidewalk, alley, street, or public way. No fences, wall, shrubbery, signs, or obstructions to vision above a height of 30 inches shall be located upon a lot within the triangular area formed at the intersection of any driveway and sidewalk, by a straight line drawn between said features at a distance along each line of 15 feet from their point of intersection. Also see Section 814.

(4) Fences on lots of record shall not contain barbed wire, electric current, or charges of electricity.

(5) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height and shall not obstruct vision to an extent greater than 25 percent of their total area. A greater height may be permitted when related to sports or other activity areas which require a greater height to contain balls, etc.

(6) The height of a fence shall be measured from the average grade of the lot.

(7) All fences shall comply with the requirements of the city Code as it applies to fence installation and materials, and all other relevant laws and ordinances not in conflict with this section.

## **SECTION 809. FENCES NONRESIDENTIAL.**

(A) Fences or walls in all nonresidential districts are permitted or required subject to the following:

(1) Fences and walls in all office, business, community center, and industrial districts which enclose property and are located within side or rear yards shall comply with the height and location requirements of Section 807 of this ordinance.

(2) Fences or walls shall not be located in the required front yard except when required as screening to adjacent residential property. When the use has common frontage with an adjacent residential district, the fence or wall shall have a setback of at least 25 feet. Also Section 814. When the use does not have common frontage with an adjacent residential district, the planning commission may permit a wall or fence in the front yard considering the following:

(a) Fences or walls in other nearby front yards.

(b) Effect on the visibility of traffic at an intersection or driveway.

(c) The planned and present use of adjacent property.

(d) The fence or wall as it would relate to the general appearance of the front yards in the area.

(3) Fences shall not contain barbed wire, electric current, or charges of electricity unless approved by the zoning board of appeals as being needed for security purposes.

(4) All fences or walls shall comply with the requirements of the city Code as it applies to installation and materials, and all other relevant laws and ordinances not in conflict with this section.

## **SECTION 810. FENCE INSTALLATION AND MAINTENANCE.**

**(A) Permit required; fee.** It shall be unlawful hereafter for any person or lessee or agent to erect a fence in the city without first having secured a permit therefor from the building department under Section 1205 of this ordinance. The fee for a permit to erect a fence shall be determined from time to time by resolution of the city council.

**(B) Existing fences; alteration; permit required.** Fences which are in existence as of the date of adoption of this ordinance shall not be enlarged, rebuilt or reconstructed without first having obtained a permit therefor from the building department under Section 1205 of this ordinance.

**(C) Private agreements, lot line; City responsibility.** The city shall not be responsible in any manner for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences. The city shall not be responsible for the determination of the location of any fence to be erected on lot lines.

**(D) Residential areas; specification.** All fences in residential areas shall be of an ornamental type. Fences may be constructed of either ornamental wire, wood, masonry, plastic or other material approved by the building department. Hedges, ornamental shrubs, trees, bushes, and all kinds of plants shall be considered fences for the purpose of this ordinance when placed in a manner or position to designate property lines.

**(E) Fence posts; depth.** All fence posts must be sunk in the soil to a depth of three feet unless otherwise specified.

**(F) Privacy fence posts; depth.** All privacy fence posts must be sunk in the soil to a depth of forty-two (42) inches.

**(G) Parallel fences.** Fences parallel to one another shall be prohibited unless special provision is made to specifically provide for proper maintenance of both fences; this shall include the provision for adequate distances between the fences and construction design details. Fencing panels and posts shall not be structurally attached to an existing fence.

**(H) Fences to be maintained.** Any fence erected under this ordinance and all fences existing on the effective date hereof (April 3, 1986) shall be kept in good repair.

## **SECTION 811. FRONTAGE ON A PUBLIC STREET.**

**(A)** No lot shall be used for any purpose permitted by this ordinance unless said lot abuts a public street, unless otherwise provided for in this ordinance.

## **SECTION 812. ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET.**

(A) Whenever this ordinance requires ingress and egress only from a major or collector thoroughfare, access driveways may be permitted to other than a major thoroughfare, freeway service drive, or collector thoroughfare, where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare, freeway service drive, or collector thoroughfare is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than one-family residences or is an area which, in the opinion of the planning commission, will be used for other than one-family purposes in the future. This exception shall only apply if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

## **SECTION 813. STORAGE OF RECREATION EQUIPMENT OR TRAILERS.**

(A) The parking or storage of any recreational equipment or trailers in any residential district shall be subject to the following:

- (1) No recreational equipment or trailers shall be parked or stored on any lot in a residential district except in a garage or carport or beyond the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed 48 hours during loading or unloading; or for a period of one week for purposes of repair or similar activity provided that a permit is obtained from the building inspector. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or any location not approved for such use.
- (2) No such equipment shall have fixed electrical, water, sewer or gas connections while the vehicle is stored on the premises.
- (3) Recreational equipment or trailers may be stored in an interior side yard providing such storage does not eliminate air circulation and light to adjoining properties.
- (4) Recreational equipment or trailers may be stored only in the rear yard subject to the conditions of Section 802 with respect to height, yard coverage, and setbacks.
- (5) All recreational vehicles must be currently licensed and kept in good repair.

## **SECTION 814. CORNER CLEARANCE.**

(A) No fence, wall, shrubbery or other obstruction to vision shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. Walls, fences, berms, shrubs or hedges in other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average street grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average street grade.

## **SECTION 815. COVERED TRASH AREAS.**

(A) Covered trash receptacles, surrounded on three sides by masonry brick-type walls, one foot higher than the receptacle, shall be provided in the rear yard. The fourth side of the enclosed trash receptacle area shall be equipped with an opaque gate that is the same height as the masonry brick.

(B) The planning commission may, at their discretion, waive the requirements for an enclosed trash receptacle as described herein, if, after considering the nature of the operation being proposed, the commission determines that the amount of trash generated can be adequately disposed of without the use of an outside trash receptacle.

(C) This section shall apply to all districts, except R-1 and R-2, one-family residential districts.

## **SECTION 816. CONDOMINIUM.**

(A) Condominium ownership imposes, in any use district, problems which are separate and distinct from those under other established types of development, control and ownership. A single structure or a group of structures incorporates several different real estate and tax entities, thus creating new aspects of municipal responsibility and administration affecting the public health, safety and general welfare.

(B) In order to adequately and properly protect the interests of the community, assure a desirable and stable environment in harmony with that of the surrounding area and provide the special amenities and safeguards considered essential to the characteristics of individual ownerships, condominiums shall be subject to the following:

(1) No condominium shall be developed, nor shall any existing structure be converted to a condominium in any use district until after a permit has been issued. Such permit shall be issued only upon the approval of the planning commission. As a basis for issuance of a permit, the complete plans, specifications and master deed shall be submitted, and shall be reviewed as to compliance with the following objectives:

(a) Parking provisions shall be adequate to fulfill expected requirements, which may exceed otherwise prescribed criteria and may necessitate enclosed or covered parking in closer proximity to units.

(b) Complete pedestrian circulation shall be provided within the development via corridors or adequate sidewalks, which shall connect with public sidewalks at convenient intervals.

(c) Outdoor open space shall be provided to meet the health and recreational needs of the owners and, where individual open spaces are considered necessary, privacy of each shall be assured by effective screening.

(d) Privacy of individually owned units shall be assured by orientation or other means to assure visual privacy from casual pedestrian traffic and from nearby units. In addition, protection against noise infiltration shall be assured by special and adequate acoustic treatment of walls, floors, ceilings, window openings and of utility lines (water and sewer) to eliminate or reduce to an acceptable level sound transmission into, between or from individual units.

(e) Security of individual units shall be provided by adequately fire-rated vertical and horizontal partitions separating units.

(2) No condominium shall be permitted in any use district unless it complies fully with use, area, height, bulk and all other requirements of that district as provided by other sections of this chapter.

(3) A site plan prepared in accord with Article X, Review Procedures and Requirements, shall be submitted for the entire site proposed to be developed for review by the planning commission.

#### **SECTION 817. DONATION BOXES.**

(A) No person or other legal entity shall cause or permit the installation or placement of a donation box upon any property within the City, whether public or private, except in accordance with this section.

(B) Donation boxes are permitted within the City upon compliance with all of the following:

(1) All proceeds are dedicated to the use of an entity which is qualified by the Internal Revenue Service as a 501(c) (3) charitable institution, or is a governmental entity.

(2) The donation box is located upon the premises of an entity which is qualified by the Internal Revenue Service as a 501(c) (3) charitable institution, or is a governmental entity.

(3) The donation box is no more than six (6) feet high, with a ground footprint of not more than twenty five (25) square feet.

(4) No more than two (2) donation boxes shall be located on any parcel.

(5) The donation box shall be located so as not to interfere with any sight triangles and on-site circulation. The donation box shall be located at least 15' from any building, 20' from the front property line, and 5' from the side and rear property lines. The donation box shall not be located so as to block the view of any business signage.

(6) The donation box shall be placed upon a concrete or asphalt surface.

(7) The donation box shall be emptied with such frequency and regularity as to ensure that it does not overflow, and materials do not accumulate outside the donation box.

(8) The donation box shall not be used as a receptacle for any hazardous or potentially hazardous waste.

(9) The issuance of a permit pursuant to subsection (c), below. The zoning administrator shall issue a permit, annually, for a compliant donation box upon receipt of an annual permit fee in an amount to be established from time to time by resolution of the City Council; and of an application containing all of the following:

(a) Proof of the applicant's status as a charitable institution or as a governmental entity.

(b) A site plan indicating the placement of the donation box, in compliance with all the above siting requirements.

(c) The name, address, telephone number and e mail address of the applicant and of the owner of the donation box, if different than the applicant.



- (d) The name, address, telephone number and e mail address of the person who will be available during regular business hours and will be responsible for compliance.
- (e) A photograph of the donation box to be installed.
- (f) The signed and dated consent of the property owner, consenting to the location of the box.

## **SECTION 818. SOLAR ENERGY.**

A. Permitted. Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard, in which case they are subject to site plan review in accordance with Article

B. Maximum Height of Structures. Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.

C. Easements. A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar sky space of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses structures and/or trees that interfere with access to solar energy. The solar sky space must be described as the three (3) dimensional spaces in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Building Department.

## **SECTION 819. WIND ENERGY.**

Wind Turbine Facilities shall be allowed as a special land use in Industrial and Business zones under the purview of Article IV, Specific Land Use Provisions, after review and approval of the special land use permit and site plan by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission, including the following:

1. Minimum parcel size for wind turbine facilities shall be ten (10) acres.
2. The height limit of any wind turbine in the WTF may be 200 feet. Such total height shall be measured from the ground to the highest elevation of the wind turbine rotor.
3. The developer shall maintain a current insurance policy which will cover installation and operation of the WFT, and the wind turbines shall be warranted against any system failures reasonably expected in climate conditions found in the City of Muskegon.
4. A qualified avian study shall be conducted by the developer to ensure that wildlife is not endangered, or the developer may submit copies of any required State or Federal permits that have been obtained. This information shall be submitted to the Planning Department before any permits are issued for construction.

5. A wind resource study describing the long term economic viability shall be submitted to the Planning Commission upon submission of the special land use permit application.
6. If the WFT will provide electricity off-site to the grid, evidence that the utility company has been informed of the developer's intent to install an interconnected, customer-owned generator, and that such connection has been approved, shall be submitted to the Planning Commission upon submission of the special land use permit application.
7. Separation between wind turbines shall be based on industry standards and manufacturer recommendations.

## **SECTION 820. STORMWATER MANAGEMENT.**

Compliance with the storm water management system criteria of this chapter is required for any form of construction or removal or disturbance of any natural features that requires approval under Section 805 of this Code for any site plan, final preliminary plat, or PUD site plan, but is not required for issuance of grading permits that do not require site plan, final preliminary plat, or PUD site plan approval. Administrative amendments to approved site plans or administrative amendments to approved PUD site plans, as described in Article V, PD Planned Development District, that do not increase the total impervious area of the site and are not within the jurisdiction of the Macomb County Drain Commissioner shall be exempt from the storm water management system requirements of this Section

(1) For sites within the jurisdiction of the Macomb County Drain Commissioner; or sites with storm water management systems under multiple ownership or for multiple parcels, including but not limited to site condominiums; or residential developments containing greater than 4 units within 2 or more detached structures; or sites with storm water management systems serving more than 1 parcel; the storm water management system shall be reviewed and receive preliminary plan approval from the Macomb County Drain Commissioner's Office prior to site plan, final preliminary plat, or PUD site plan approval by the city. For sites that require review by the Macomb County Drain Commissioner's Office, a permit or letter of final plan approval from the Macomb County Drain Commissioner's Office shall be obtained prior to issuance of a grading permit by the City Code Official. Any exceptions to the Rules of the WCWRC listed in this chapter are not applicable to reviews performed by the Macomb County Drain Commissioner's Office.

(2) For sites other than described in sub-section (1) that contain or are proposed to contain more than 5,000 square feet of impervious surface, on-site storm water management systems shall be required for any site which is the subject of a site plan, final preliminary plat, or PUD site plan. The storm water management system shall be reviewed and receive approval from the Public Services Area Administrator and meet the design criteria stated in the Rules of the WCWRC, with the following exceptions:

(a) For sites that contain existing impervious surfaces, adding or removing and replacing impervious surfaces solely for the purpose of compliance with the Americans with Disabilities Act, or compliance with the State of Michigan Barrier Free Design Rules (Public Act 1 of 1966, as amended) shall be exempt from the storm water management system requirements of this chapter.

(b) Sites proposed to contain:

(i) Impervious surfaces greater than 5,000 square feet and less than 10,000 square feet require retention/infiltration only of the first flush storm events.

(ii) Impervious surfaces equal to or greater than 10,000 square feet and less than 15,000 square feet require retention/infiltration only of the first flush and detention only of bankfull storm events.

(iii) Impervious surfaces equal to or greater than 15,000 square feet require retention/infiltration of the first flush, and detention of bankfull, and 100-year storm event. Detention facilities designed for the 100-year storm event shall include a sediment forebay.

(c) Public sidewalks are not required to be included in the storm water management calculations.

(d) If the site is located in an historic district designated by the City of Ann Arbor, then the roof area of the historic building(s) is not required to be included in the storm water management calculations. This exemption does not apply to noncontributing structures within the historic district.

(3) On a site that requires the installation of storm water management system the detention facility shall be installed and stabilized prior to the issuance of building permits. The Public Services Area Administrator may deem it necessary to modify the timing of installation of the detention facility when conditions, such as a detention facility that is integral to the structure of a new building, prevent installation prior to building permits. As-built verification from an architect or professional engineer shall be submitted to the Code Official for approval prior to issuance of any certificate of occupancy. The as-built verification shall include: elevations and volumes, outlet sizes and elevations, stabilization information, and signature and seal of an architect or professional engineer. A sample form may be provided by the Code Official upon request.

(4) Existing wetlands shall not be modified for the purposes of storm water management systems. Where modifications to wetland areas are allowed, the existing storage shall be maintained and shall not count toward meeting the requirements of this section.

(5) When residential lots or units are proposed to be created, the runoff coefficients shall take into account the future impervious surfaces of these building sites within the storm water management calculations.

(6) Storm water management facilities shall be designed so that any discharge of storm water from the facility, which does not empty directly into a drain, shall be converted to sheet flow over the ground through the use of an energy dissipater, in a manner which will preclude erosion, or other approved method as determined by the Public Services Area Administrator.

## **ARTICLE IX. GENERAL EXCEPTIONS**

### **SECTION 900. PURPOSE.**

The purpose of this Article is to provide the general exceptions to this ordinance.

## SECTION 901. AREA, HEIGHT, AND USE EXCEPTIONS.

(A) The regulations in this ordinance shall be subject to the following interpretations and exceptions:

- (1) Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Center Line, it being the intention hereof to exempt such essential services from the application of this ordinance.
- (2) Voting place. The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- (3) Height limit. The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the zoning board of appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval or under Article IV, Specific Land Use Provisions, of this ordinance.
- (4) Lot area. Any lot existing and of record at the time this ordinance became effective may be used for any principal use (other than uses permitted on special approval for which special lot area requirements are specified in this ordinance) permitted in the district in which such lot is located whether or not such lot complies with the lot area or width requirements of this ordinance; provided that all requirements other than lot area or width requirements prescribed in this ordinance are complied with; and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this ordinance for required lot area for each dwelling unit.
- (5) Lots adjoining alleys. In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- (6) Yard regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this ordinance became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the zoning board of appeals.
- (7) Multiple dwelling side yards. For the purpose of side yard regulations, a two-family, a terrace, a row house, or any multiple dwelling shall be considered as one building occupying one lot.
- (8) Porches. An unenclosed and uncovered porch (i.e., one which is not roofed over) or paved terrace may project into a required front for a distance not exceeding eight feet.
- (9) Projections into yards. Architectural features, such as but not limited to window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet. Architectural features shall not include those details which are normally demountable.

## ARTICLE X. REVIEW PROCEDURES AND REQUIREMENTS

### SECTION 1000. SITE PLAN REVIEW FOR ALL DISTRICTS.

(A) Intent. The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this ordinance, other applicable local ordinances, standard engineering practices, and county, state, and Federal rules, and laws. The procedures set forth herein are further intended to:

- (1) Achieve efficient use of the land;
- (2) Provide a mechanism for review of new development and redevelopment or reuse of existing sites to ensure compliance with current standards;
- (3) Minimize adverse impacts on adjoining or nearby properties;
- (4) Protect natural resources; and,
- (5) Encourage cooperation and consultation between the city and the applicant to facilitate development in accordance with the city's land use objectives.

(B) Site plan review applicability and type. A building permit shall not be issued until a site plan is approved in accordance with the procedures and standards set forth herein, compliance with the land division, subdivision and other city ordinances and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into three types below.

(1) Exempt: Select projects are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable building and fire codes and zoning regulations can be addressed during the building permit review process. Projects include new or expanded one-family homes on individual lots in a residential zoning district and utility improvements.

(2) Administrative review: Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a site plan, do not require review by the planning commission; but instead shall undergo a formal review for approval by the city building department. Projects include:

- (a) Minor non-structural changes to an approved site plan;
- (b) Increase in parking or loading area up to 10% of existing area;
- (c) Change in building height that does not add floor area;
- (d) Building additions to non-one-family uses that do not affect parking and meet all ordinance requirements.
- (e) Accessory buildings and structures for non-one-family uses;
- (f) Architectural design changes to non-residential uses;

- (g) Sidewalks or pathways;
- (h) Fences for non-one-family uses;
- (i) Modifications to multiple-family dwellings to comply with ADA or other barrier-free regulations;
- (j) Sign relocation or replacement;
- (k) Site improvements meeting ordinance standards; and,
- (l) Waste receptacle relocation or installation of screening around receptacle.

(3) Full site plan: The most involved process for larger and more intense residential and all non-residential projects not included in the other classifications.

(4) Planned development: Site plans for planned developments shall follow the procedure as provided in Article V, PD Planned Development District. Plats for subdivisions shall follow the procedures of the City Subdivision Regulations Ordinance Chapter 66 and the Michigan Land Division Act. Site condominiums shall be required to meet the same design standards as subdivision plats, in accordance with the City Zoning Ordinance, Subdivision and Land Division Regulations Ordinances and all other applicable city regulations.

(C) Planning commission site plan review procedures and requirements. Site plans must be submitted in accordance with the following procedures and requirements. Plans are reviewed and approved following a process of preliminary site plan review by the planning commission and final site plan review by the building department.

(1) Applicant attendance: The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner. The application shall contain current written proof of ownership or current ownership option in the property. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two consecutive meetings without prior notice to the city manager shall result in denial of the application. The city manager may recommend to the planning commission chairperson that the applicant's architect and/or engineer be present at the meeting in order to address technical matters related to the application.

(2) Pre-planning meeting: The applicant is encouraged to schedule a meeting with the city manager and building official to discuss the project, submittal requirements and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process. If the project is determined to be eligible for administrative approval, the procedures of subsection (D) shall be followed; in other cases, the process shall proceed as described below.

(3) Preliminary site plan submittal: The applicant shall submit 15 copies of the following items to the city building department at least four weeks prior to the planning commission meeting that the site plan is tentatively scheduled for:

- (a) A complete application form supplied by the city.

(b) A complete site plan that includes the information listed in subsection (E).

(c) Any additional information the planning commission finds necessary to make the determinations required herein.

(4) Technical (staff) review: The city manager or building department shall forward the application and site plan(s) to the city's planning and engineering consultants, public safety officials and the department of public works. All reviews shall be submitted back to the city manager or building department.

(5) Planning commission consideration of preliminary site plan: Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the planning commission. The planning commission shall review the application for site plan approval, together with the reports and recommendations from staff, consultants and other reviewing agencies, as appropriate. The planning commission shall then make a determination based on the requirements and standards of this ordinance. The planning commission is authorized to postpone, grant approval, approve subject to revisions or deny as follows:

(a) Postpone: The application may be postponed if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, an ordinance interpretation is needed from the zoning board of appeals, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The planning commission shall direct the applicant to prepare additional information, revise the site plan or direct the city staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified as such by the applicant's design professional. Full sets of plans must be resubmitted. Amended plans or other material which show a diligent effort to address all reasons for tabling shall be placed on the agenda of the planning commission for further review and action.

(b) Approval: Upon determination that all requirements for site plan approval, as set forth herein, are met and a recommendation has been forwarded to the planning commission by all reviewing agencies of the city, approval shall be granted subject to the applicant providing copies of all required outside agency approvals. In those instances where approval authority is vested with the city council, a recommendation shall be made by the planning commission to the city council.

(c) Approval subject to revisions: Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for final site plan approval. The applicant shall submit with the final site plan a complete list of all changes, certified by the applicant's design professional, to the city building department for final approval after said revisions have been completed. At its discretion, the planning commission may require the right to review the revised final site plan.

(d) Denial of approval: Upon determination that a site plan does not comply with standards and regulations set forth in this ordinance, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for site plan tabling, site plan approval shall be denied. The applicant must revise the plans and resubmit if the applicant is still interested in pursuing the project. A re-submittal shall be considered a new site plan and be required to re-initiate the full site plan review process. Any person aggrieved by the decision of the planning commission in denial of a site plan shall have the right to appeal the

decision to the zoning board of appeals. A site plan, by request of the applicant, needs an official denial by the planning commission in order to gain access to the zoning board of appeals.

(6) Effect of preliminary site plan review action: Any preliminary site plan approved under this provision shall expire after one year from the date of such approval. If construction has not commenced within one year of site plan approval by the planning commission or the city building department (as applicable), approval becomes null and void and a new application for site plan review shall be required. The applicant may request a one year extension by the planning commission, provided a written request is received before the expiration date and the site plan complies with current standards (i.e. any amendments to the zoning ordinance since the site plan was approved). This limitation shall not apply to preliminary PD site plans accompanying approved PD rezoning.

(7) Final site plans (detailed construction, landscape and engineering plans): Except where otherwise set forth in this ordinance, final site plan approval may be given administratively when all conditions set forth herein for final site plans are complied with except the planning commission may, at the time of preliminary site plan approval, require final site plan approval by the commission as well. The city building department shall grant final site plan approval where the following requirements are met:

(a) All local, county and state requirements as may apply to the proposed use are met. The applicant shall be required to obtain all other necessary agency permits from the Michigan Department of Environmental Quality, the Macomb County Road Commission, Drain Commission and Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the city.

(b) All applicable engineering requirements are met. Complete engineering plans shall be submitted to the city engineer for approval.

(c) The design shown on the final site plan shall remain unchanged from the approved preliminary site plan. Upon determination that the final site plan does not comply with the conditions of preliminary site plan approval or that required engineering plan revisions alter the site plan configuration approved by the planning commission, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the body that approved the site plan for review and approval as an amended site plan.

(8) Final site plan approval, except as specifically permitted in subsections (a) and (b) below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted.

(a) Upon request, the city may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:

(i) A grading and soil erosion and sedimentation control plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.

(ii) A soil erosion permit, when required, has been secured.



(b) Upon request, the city may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the layout of footings and the construction of foundation walls prior to final site plan approval, provided:

(i) A grading and soil erosion and sedimentation control plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.

(ii) A soil erosion permit, when required, has been secured.

(iii) Detailed engineering plans for all above ground and below ground utilities have been submitted for review and approval.

(iv) Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.

(9) Completion of site design in accordance with approved site plan

(a) Following approval of the site plan and final approval of the engineering plans by the city engineer and the building department, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable city, utility, county, or state permits prior to issuance of a building permit.

(b) The approval of any site plan under this provision, other than subdivisions (subdivisions shall follow the procedures of the Land Division and Subdivision Acts), shall expire one year after the date of such approval, unless actual construction and development has commenced in accordance with the site plan. If construction and development is commenced within the one year period, then the approval shall continue for a period of three years from the approval date. However, a lapse of more than one year in continuous substantial construction and development shall cause the approval to expire. The city building official shall not issue a building permit for any type of construction on the basis of the approved site plan after the approval has expired unless the plan has received an extension from the planning commission or city council. Fees for review of an expired site plan may be waived or reduced in those instances where no substantial change in conditions of the site plan nor of abutting uses has taken place. In those instances where substantial conditions have changed, the fee for review of an expired site plans shall be the same as for the initial submittal.

(c) It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Such maintenance shall include all building and site elements depicted on the site plan including parking configuration, lighting and landscaping. Any property owner who fails to maintain a site as approved shall be deemed in violation of the applicable use provisions of this ordinance and shall be subject to penalties.

(d) A development agreement with suitable guarantee and performance bond may be required by the city to assure compliance with an approved final site plan.

(D) Administrative plan review. For uses and projects eligible for administrative review, as identified in Section 1000, the following procedure shall apply:

(1) Submittal requirements: Five copies of the site plan that contains the information listed in subsection (E) shall be submitted to the city building department.

(2) Review: The city building department shall review and either approve the site plan, approve the site plan with a condition that certain revisions be made, or deny the site plan.

(3) Appeal: Either the city building department or applicant shall have the option to request site plan review by the planning commission.

(4) Issuance of building permit: A building permit shall be issued following review and approval of any engineering or construction plans by the building department and city engineer, as appropriate.

(E) Submittal requirements. The following information shall be included with and as part of a site plan submitted for review. The planning commission shall not review applications considered to be incomplete by the city building department.

(1) Application form including written proof of property ownership or option to purchase (with specified time limit) and signed authorization designating a representative.

(2) Site plan description and identification data:

(a) Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property three acres or more in size. Sheet size shall be at least 24 x 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included.

(b) Written project description, including proposed use, building(s) and site improvements;

(c) Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year);

(d) Scale and north-point;

(e) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile;

(f) Local and common description of property;

(g) Identification and seal of architect, engineer, land surveyor, or

(h) Landscape architect who prepared drawings;

(i) Zoning classification of petitioner's parcel and all abutting parcels;

(j) Proximity to section corner and major thoroughfares; and,

(k) Net acreage (minus rights-of-way) and total acreage.

(3) Site analysis:

- (a) Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;
- (b) Surrounding land uses and zoning;
- (c) All existing easements;
- (d) Existing roadways and driveways within 100 feet of the site;
- e. Existing sidewalks and non-motorized pathways;

(4) Site plan:

- (a) Proposed lot lines, lot dimensions, property lines and setback dimensions;
- (b) Structures, and other improvements;
- (c) Proposed easements;
- (d) Location of exterior lighting (site and building lighting) in accordance with site lighting standards;
- (e) Location of trash receptacle(s) and transformer pad(s) and method of screening;
- (f) Extent of any outdoor sales or display area;

(5) Access and circulation:

- (a) Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;
- (b) Opposing driveways and intersections within 100 feet of site;
- (c) Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;
- (d) Dimensions of acceleration, deceleration, and passing lanes;
- (e) Dimensions of parking spaces, islands, circulation aisles and loading zones;
- (f) Dimensions and details of wall and sidewalk protection;
- (g) Calculations for required number of parking and loading spaces;
- (h) Designation of fire lanes;
- (i) Traffic regulatory signs and pavement markings;
- (j) Location of existing and proposed sidewalks/pathways within the site or right-of-way;
- (k) Location, height, and outside dimensions of all storage areas and facilities.

(6) Landscape plans:

- (a) Description of methods to preserve existing plant materials;
- (b) The location of existing and proposed lawns and landscaped areas;
- (c) Planting plan, including location and type of all proposed shrubs, trees, and other live plant material;
- (d) Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;
- (e) Proposed dates of plant installation;
- (f) Landscape maintenance schedule; and,
- (g) A bond held in escrow may be required for up to three years to ensure landscape health and maintenance.

(7) Building and structure details:

- (a) Location, height, and outside dimensions of all proposed buildings or structures;
- (b) Building floor plans and total floor area;
- (c) Details on accessory structures and any screening;
- (d) Location, size, height, and lighting of all proposed site and wall signs;
- (e) Location, size, height and material of construction for all obscuring walls, berms and fences with cross-sections, where required;
- (f) Building facade elevations for all sides, drawn at an appropriate scale;
- (g) Description of exterior building materials and colors (samples may be required).

(8) Drainage, soil erosion, sedimentation control and utilities:

- (a) Location and size of existing and proposed storm sewers;
- (b) Soil erosion and sedimentation control measures;
- (c) Location of existing and proposed sanitary sewers;
- (d) Location and size of existing and proposed water mains, well sites, water service and fire hydrants;
- (e) Location of existing and proposed gas, electric and telephone lines, above and below ground;
- (f) Location of transformers and utility boxes; and,
- (g) Assessment of potential impacts from the use, storage, processing, or movement of hazardous materials or chemicals, if applicable.

(9) Lighting plan:

- (a) Location and height of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
- (b) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles);
- (c) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding; and,
- (d) Use of the fixture proposed.

(10) Additional information required for all development as determined by the city building department, planning commission and other applicable city ordinances.

(F) Standards for site plan approval. Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this ordinance as outlined below:

(1) Adequacy of information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s). All sheets must be consistent. The planning commission has the right to waive any of the submittal requirements if not applicable to the proposed project.

(2) Site design characteristics: All elements of the site design shall be harmoniously and efficiently organized in relation to the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this ordinance. The site shall be designed to conform to all provisions of the zoning ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of the zoning ordinance which are relative to and proportionate to the extent of redevelopment, as determined by the planning commission.

(3) Buildings: Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all standards for which a variance has not been obtained.

(4) Architecture: All proposed development subject to site plan approval shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the city.

(a) Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Subtle earth tone colors shall be used for building and roofing material. The planning commission or city council may require a color rendering.

(b) Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.

(c) Facades facing a public street or sidewalk shall include windows that equal 70% of the wall area measured between two (2) feet and eight (8) feet above grade. The bottom of any window

may not be more than four (4) feet above grade. Required window areas shall consist of clear glass windows, clear glass doors and clear glass panels, and may not be covered or blocked with the back of shelving units. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows and doors above the first floor shall comprise between 30% and 70% of the total wall area of all upper floors. The number, shape, size, and spacing of the windows shall be compatible with the established rhythm of adjoining or nearby buildings in the downtown.

(d) All rooftop HVAC and other mechanical equipment shall be screened.

(5) Privacy: The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walls, barriers, buffers and plantings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(6) Emergency vehicle access: All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.

(7) Ingress and egress: Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through-traffic, while promoting safe and efficient traffic operations within the site and at its access points. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets.

(8) Non-motorized circulation: The site plan shall provide a non-motorized circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

(9) Vehicular, pedestrian and bicycle circulation layout: The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry, on-street parking, where appropriate and the desired character of the streetscape and neighborhood.

(10) Soil erosion: The proposed development shall include measures to prevent soil erosion and sedimentation.

(11) Exterior lighting: Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.

(12) Public services: The scale and design of the proposed development shall facilitate acceptable and adequate provision of services currently furnished by or that may be required of the city or other public agencies including, but not limited to, fire and police protection, stormwater and sanitary sewage removal and treatment, water supply, traffic control and administrative services.

(13) Hazardous materials: Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies.

(14) Consistency with the city master plan and any applicable subarea or corridor plans.

(G) Special meetings. The city can schedule special meetings per an applicant's request and availability of planning commissioners, necessary staff and professional consultants. A fee will be paid by the applicant with the application.

(H) Fee structure. The planning and zoning commission may, from time to time, recommend by formal motion adjustments in the fee schedule for the site plan review process to city council for formal adoption.

## **SECTION 1001. SPECIAL LAND USE REVIEW REQUIREMENTS.**

(A) Application. In all cases the power to grant special land use approval is vested in the planning commission, in accordance with applicable provisions of this ordinance. All applications for special land use approval shall first be forwarded by the city clerk to the planning commission for review and recommendation. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of section 1515

The planning commission shall review the application after proper notice has been given as required by state law and approve the application with any suggested conditions the commission may find necessary, or deny the application with its reasons in writing. A public hearing shall be held as provided by state law; and the planning commission, after proper notice, shall hear any person wishing to express an opinion on the application. A decision shall be made within a reasonable time having regard for the complexity of the case.

(B) Review. The planning commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved.

### **(1) Standards.**

(a) The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.

(b) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfaces in residential districts.

(c) The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

(d) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage land and buildings or unreasonably affect their value.

(e) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective

patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

(f) The proposed use is necessary for the public convenience at the proposed location.

(g) The proposed use is so designed, located, planned and to be operated that the public health, safety, and welfare will be protected.

(h) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(C) Approval. If the planning commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and the site plan and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use the site plan so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the city not later than one year thereafter or such approval shall automatically be revoked; provided, however, the planning commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six months as it shall determine to be necessary and appropriate.

(D) Denial. If the planning commission shall determine that the particular special land use(s) requested does not meet the standards of this ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the city, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.

(E) Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

(F) Conditions. The planning commission may impose such conditions or limitations in granting approval as may be permitted by state law and this ordinance which it deems necessary to fulfill the spirit and purpose of the law. The conditions may include conditions necessary to ensure that public services and facilities affected by accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

(1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power and purpose which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.



The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The planning commission shall maintain a record of changes granted in conditions.

(G) Notice. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that request for special land use approval has been received shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure; except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate the property which is the subject of the special land use request.
- (3) State when and where the special land use request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.
- (6) At the initiative of the planning commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of structure located within 300 feet of the boundary of the property being considered for a special land use a public hearing with notification as required for a notice of a request for special land use approval as provided in subsection (B) shall be held before a decision on the special land use request which is based on discretionary grounds. If the applicant or the planning commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request is given as required by this section.

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## **ARTICLE XI. CHANGES AND AMENDMENTS**

### **SECTION 1100. PURPOSE.**

The city council may, from time to time, on recommendation from the planning commission, on its own motion, or on petition, amend, supplement, modify, or change this ordinance in accordance with the authority of Act No. 33 of the Public Acts of Michigan of 2008, as amended, in accordance with the following procedural outline:

- (1) A petition for amendment to this ordinance by an owner, or other person having a sufficient interest, may be presented to the city council. Such petition shall be accompanied with a fee in an amount established by resolution by the city council and shall be used to defray the expense of publishing required notices and related expenditures. Should no public hearing be held thereon, the fee shall be refunded to the petitioner.
- (2) All amendment proposals not originating with the planning commission shall be referred by the city council to the planning commission for a recommendation before any action is taken by the city council.
- (3) The planning commission shall study the proposed ordinance amendment and make written recommendation to the city council for approval, conditional approval, or disapproval. In the course of such study, the planning commission shall hold a public hearing on the proposed amendment as required by the provisions of Section 4 of Act No. 207 of the Public Acts of Michigan of 1921, as amended.

### **SECTION 1101. PUBLIC NOTICE; PUBLIC HEARINGS.**

(A) All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act and the other provisions of this Section with regard to public notification.

- (1) Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the City Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Center Line and mailed or delivered as provided in this Section.
- (2) Content of the Notice as required by the Michigan Zoning Enabling Act: All mail, personal and newspaper notices for public hearing shall describe the nature of the request, the location which is the subject of the request, when and where the request will be considered and shall include a description of any written comments.
- (3) Personal and Mailed Notice:
  - (a) General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
    - (i) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

(ii) Except for re-zoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Center Line. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post notice at the primary entrance of the structure.

(iii) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section.

(iv) Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.

(b) Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The City Clerk shall prepare a list of property owners and registrants to whom notices were mailed, as well as of anyone to whom personal notice was delivered.

(4) Time of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act or this Ordinance where applicable, notice of a public hearing on an application for a re-zoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

(B) Registration to Receive Notice by Mail:

(1) General: Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval pursuant to this Section, or written notice of all applications for development approval within the zoning district in which they are located. The City Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

(2) Requirements: The requesting party must provide the City Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

(C) Zoning Board of Appeals: The Zoning Board of Appeals shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall, either by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it. In all cases, interested parties shall include those persons to whom any real property within 300 feet of the premises in question shall be assessed, according to the latest assessment roll of the City, and the occupants of all single and two-family dwellings within 300 feet of the premises in question. Such notice may be delivered either personally or by mail, addressed to such respective owners

as disclosed by the assessment roll and to the tenants at the addresses given for the property in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The Board may require any party applying to the Board for relief to give such notice to other interested parties as the Board shall describe.

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## **ARTICLE XII. ADMINISTRATION AND APPEALS**

### **SECTION 1200. PURPOSE.**

(A) The purpose of this Article is to set forth the specific duties, responsibilities and scope of authority of the following official committees, boards, commissions and persons that are charged with administering, implementing, interpreting, and enforcing the provisions of this Ordinance:

- (1) City Council.
- (2) Planning Commission.
- (3) City Manager.
- (4) Review committees.
- (5) Designated zoning officials, including the City Clerk, City Planner, and Building Official/Inspector.

### **SECTION 1201. CITY COUNCIL AUTHORITY AND RESPONSIBILITIES.**

(A) City Council shall have the following responsibilities and authority pursuant to this Ordinance.

(1) Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, City Council shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Article XI, Changes and Amendments. Adoption of any change to this Ordinance shall be by an amendatory ordinance.

(2) Review and Approval of Plan for Planned Developments. City Council review and approval shall be required for all planned developments, in accordance with Article V, PD Planned Development District.

(3) Setting of Fees. City Council shall have the authority to set, by ordinance or resolution, all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

Any application for matters requiring approval under this Ordinance may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required where professional input and review is desired before a decision is made about any development project or use subject to review and approval under the provisions of this Ordinance:

The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the City indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a

proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the City and a copy of the statement of expenses for the professional services rendered, if requested.

No application for which an escrow fee is required will be processed until the escrow fee is deposited with the City. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 60 days of final City action on the applicant's request or within 60 days of withdrawal of the request by the applicant.

If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any building or zoning permit or other approval issued by the City in response to the applicant's request. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

Approval of Planning Commission Members. In accordance with the City Charter, the City Council shall appoint members of the Planning Commission.

## **SECTION 1202. PLANNING COMMISSION AUTHORITY AND RESPONSIBILITIES.**

(A) The Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

(B) Creation. The Planning Commission is created pursuant to the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, and the applicable provisions of the City of Center Line Code of Ordinances, all of which enables and governs the activities and procedures under this Zoning Ordinance.

(C) Membership and Operation. In accordance with the City Charter, appointments of members of the Planning Commission shall be made by the City Council. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be in accordance with the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act.

In accordance with the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act, the Planning Commission shall determine the time and place of meetings, adopt rules for the transaction of business, and keep a public record of its actions, findings, recommendations.

(D) Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this Ordinance:

(E) Formulation of the Zoning Ordinance and Amendments. The Planning Commission is hereby designated as the commission specified in Section 301 of the Michigan Zoning Enabling Act, and shall perform the zoning duties of said commission as provided in the statute in connection with amendment of this Ordinance.

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to City Council.



(F) Site plan review. The Planning Commission shall be responsible for reviewing site plans in accordance with Section 1000 and for making determinations to approve, approve subject to conditions, or deny applications for site plan approval as provided in Section 1000.

(G) Special land use review. The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions or deny applications for special land use approval in accordance with Article IV, Specific Land Use Provisions.

(H) Planned development review. The Planning Commission shall be responsible for holding hearings; reviewing; and making recommendations to City Council to grant approval, approval with conditions, or denial of proposed planned developments in accordance with Article V, PD Planned Development District.

(I) Formulation of a Master Plan. The Planning Commission is hereby designated as the commission specified in Section 2 of the Municipal Planning Act, and shall perform the planning duties of said commission as provided in the statute.

(J) Review of matters referred by City Council. Consistent with the Center Line City Code, the Planning Commission shall be responsible for review of plats and other land development matters referred by City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.

(K) Report on the operation of the Zoning Ordinance. The Planning Commission shall periodically oversee the preparation of a report to City Council on operations under the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance.

(L) Report on operation of the Zoning Ordinance. The Planning Commission shall prepare a report no less than once a year for the City Council on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

(M) Meetings. The Planning Commission shall publish notice of a scheduled meeting in a newspaper of general circulation in the City of Center Line, not less than fifteen (15) days before the date of the scheduled meeting. Meetings of the Planning Commission are subject the Open Meetings Act.

### **SECTION 1203. PLANNING REVIEW COMMITTEES.**

(A) The City Manager or designee may from time to time create administrative committees to assist in the review of site plans and other applications under this Ordinance, in accordance with the following:

(B) Intent and Purpose. Formal or informal committees may be established to allow for expedited reviews of applications under this Ordinance.

(C) Membership and Operation. The City Manager may set the membership of any review committee.

(D) Jurisdiction. A review committee may perform multi-disciplinary reviews of applications for compliance with all City requirements. Any report will be a recommendation to the City Manager.

### **SECTION 1204. CITY MANAGER AUTHORITY AND RESPONSIBILITIES.**

(A) The City Manager, as chief administrative head of the City of Center Line shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance.

## **SECTION 1205. BUILDING OFFICIAL/INSPECTOR AUTHORITY AND RESPONSIBILITIES.**

(A) Except where herein otherwise stated, the provisions of this ordinance shall be administered by the building official or inspector or such other official or officials as designated by the City Manager. The building inspector shall have the power to:

- (1) Issue building permits.
- (2) Grant certificates of occupancy permits.
- (3) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance.
- (4) Perform such other further functions necessary and proper to enforce and administer the provisions of this ordinance.

(B) Building permit application.

(1) No building or structure within the City of Center Line shall hereafter be erected, moved, repaired, altered, or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the building inspector; nor shall any change be made in the use of any building or land without a building permit having been obtained from the building inspector.

Satisfactory evidence of ownership of the entire lot shall accompany all applications for permits under the provisions of this ordinance. No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this ordinance and all amendments hereto. Unless construction is started within six months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The building inspector may reinstate a building permit that has become void for failure to commence construction without payment of further fees in his discretion. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the building inspector in advance of issuance. The amount of such fees shall be established by resolution of the city council.

Failure to acquire required permits prior to commencing construction shall result in the payment of a double fee schedule and possible citation.

(2) The building inspector shall record all nonconforming uses existing at the date of this ordinance for the purposes of carrying out the provisions of Section 805.

(3) The building inspector shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan, in duplicate, drawn to scale, showing the following:

- (a) The actual shape, location and dimensions of the lot drawn to scale.
- (b) The shape, size and location of all buildings or other structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (c) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed. One copy of the plans shall be

returned to the applicant by the building inspector, after he shall have marked such copy either as approved or disapproved. The second copy shall be retained in the office of the building inspector.

(4) Upon completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the building inspector.

(5) The failure to request and obtain final inspection through the building department shall result in the forfeiture of bonds and fees.

(C) Temporary permit application. See Section 408, for building department authority and time limits when issuing a temporary building or use permit.

(D) Certificate of occupancy.

(1) No land, building, structure, or part thereof shall be occupied by or for any use for which a building permit is required by this ordinance unless and until a certificate of occupancy shall have been issued for such new use. No land or building shall be occupied or reoccupied, used, or changed in use, until a certificate of occupancy and compliance shall have been issued by the building inspector stating the land or building or proposed use of a building or land complies with all the building or health laws and ordinances and the provisions of this ordinance. A copy of such certificate of occupancy and compliance shall be conspicuously posted and displayed on the premises used for any purposes other than residential. The following shall apply in the issuance of any certificate:

(a) Certificates not to be issued. No certificates of occupancy pursuant to the building code of the City of Center Line shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this ordinance.

(b) Certificates required. No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used or the same caused to be done unless and until a certificate of occupancy shall have been issued for such building or structure.

(c) Certificates including zoning. Certificates of occupancy as required by the building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.

(d) Certificates for existing buildings. Certificates of occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this ordinance. It shall hereafter be unlawful for any person to occupy any existing commercial, and/or industrial building, or premises located within the City of Center Line which has been vacated by a tenant, lessee, or owner unless such person desiring to reoccupy such building or premises shall first make application for and obtain a certificate of occupancy from the building inspector.

(e) Certificates for nonconforming buildings. A certificate of occupancy shall be required for each nonconforming use of buildings existing prior to the time of passage of this ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the building inspector by the owner or lessee of the building occupied by such nonconforming use within six months

from the effective date of this ordinance. It shall be the duty of the building inspector to notify such owner or lessees in writing and to issue a certificate of occupancy for such nonconforming use upon application. The failure of the owner or lessee of the building occupied by such nonconforming use to obtain such certificate of occupancy for same within six months from the effective date of this ordinance shall create a conclusive presumption that such nonconforming use did not exist prior to the effective date of this ordinance, and such nonconforming use shall be discontinued within one year from the effective date hereof.

(f) Temporary certificates. Nothing in this ordinance shall prevent the building inspector from the issuing of a temporary certificate of occupancy for a portion of a building or structure in process or erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building ready for occupancy, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

(g) Records of certificates. A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(h) Certificates for dwelling accessory buildings. Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

(i) Application for certificates. Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by the department; and such certificates shall be issued if, after final inspection, it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this ordinance. If such certificate is refused for cause, the applicant therefor shall be notified in writing of such refusal and cause thereof.

(j) Failure to acquire certificate of occupancy. The occupying of any building or structure, or part thereof, or use of land in accordance with the provisions of this ordinance prior to obtaining a certificate of occupancy shall result in forfeiture of bonds and fees.

## **SECTION 1206. ADMINISTRATION OF ZONING ORDINANCE.**

(A) In carrying out designated duties, necessary for the implementation of these zoning regulations, designated zoning officials shall be required to administer the Zoning Ordinance precisely as it is written. No zoning official shall make changes or vary the terms of these regulations.

- (1) Preparation and administration of budgetary matters regarding the implementation of these regulations.
- (2) Resolution of problems occurring between applicants, staff, and the general public.
- (3) Periodically report to City policy makers on the status of City's zoning and planning administration.
- (4) Provide citizens and public officials with information relative to these regulations and related matters.

- (5) Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.
- (6) Review all applications for site plan review, special land use review, and planned development, and take any action required under these regulations.
- (7) In cooperation with the Building Official, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable Ordinances and codes are met.
- (8) Forward to the Planning Commission completed applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to these regulations, and other matters that must be reviewed by the Planning Commission.
- (9) Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.
- (10) Review requests for temporary structures and/or uses involving a period of 90 calendar days or less.
- (11) Forward to City Council all recommendations of the Planning Commission concerning matters on which action is either mandatory or discretionary on the part of City Council.
- (12) Periodically report to the Planning Commission on the status of City's zoning and planning administration.
- (13) Maintain the current official Zoning Map of the City and an up-to-date Zoning Ordinance text by recording all adopted amendments.
- (14) Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
- (15) Initiate investigations into alleged violations of these regulations and proceed with appropriate corrective measures as required.
- (16) Perform other related duties required to administer these regulations.

#### **SECTION 1207. CITY CLERK AUTHORITY AND RESPONSIBILITY.**

(A) The City Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

- (1) Publish all notices required by these regulations.
- (2) Record or cause to be recorded and prepare the official minutes of all meetings of the Planning Commission and Zoning Board of Appeals.
- (3) Maintain official records and file all official minutes and documents in an orderly fashion.
- (4) Perform other related duties required to administer these regulations.

## **SECTION 1208. CITY PLANNER AUTHORITY AND RESPONSIBILITY.**

(A) The City may employ a City Planner, who may be a member of City staff, a firm or organization retained on a consulting basis, or staff and a consultant may share the responsibilities. In addition to specific responsibilities outlined elsewhere in these regulations, upon request from City Council, the Planning Commission, the City Manager, or other authorized City body or official, the City Planner may fulfill following responsibilities:

- (1) Prepare and administer such plans and ordinances as are appropriate for the City and its environs, within the scope of the appropriate Michigan Planning and Zoning Enabling Acts.
- (2) Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
- (3) Advise and assist City Council and other authorized City bodies or officials and are responsible for carrying out their directives.
- (4) Provide citizens and public officials with information relative to these regulations and related matters.

(B) At request of the City, review applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines stated in these regulations.

(C) At the request of the Planning Commission or City Council, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the City.

(D) Periodically report to the Planning Commission on the status of City's zoning and planning administration.

(E) Perform other related duties, as authorized, to administer these regulations.

## ARTICLE XIII. ZONING BOARD OF APPEALS

### SECTION 1300. ZONING BOARD OF APPEALS AUTHORITY, RESPONSIBILITIES, AND PROCEDURES.

(A) Intent and Purpose. The Zoning Board of Appeals (ZBA) is created which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, in accordance with the procedures and standards of these regulations, and in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantive justice done.

(B) Membership and Operation. The ZBA shall consist of five (5) members who shall be appointed in accordance with the Michigan Zoning Enabling Act, and as follows:

(1) ZBA members shall be citizens of the United States and residents of the City.

(2) Appointments shall be for a term of three (3) years, except upon initial establishment of the ZBA, appointments of members shall be for terms of one (1), two (2), and three (3) years respectively, so as to provide for a balanced and consistent number of subsequent appointments in future years.

(3) Members may be removed for cause by the City Council after consideration of written charges and a public hearing, or as otherwise provided by state law.

(4) In accordance with state law and the City Charter, vacancies on the ZBA shall be filled by appointment approved by the City Council. Such appointments shall be made not more than thirty (30) days after the preceding member's removal. Such appointments shall be for the remainder of the unexpired term.

(5) The compensation of the members of the ZBA shall be fixed by the City Council.

(6) The City Council may also if it so desires appoint not more than two (2) alternate members for the same term as regular members of the ZBA. The alternate members may be called on a rotating basis to sit in the place of regular members of the ZBA in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular members has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.

(C) Jurisdiction. The ZBA shall have power to act on those matters as defined in this Article and by the laws of the State of Michigan. Said jurisdiction includes:

(D) Appeals. The ZBA is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by an administrative official, office, department, board, commission, or enforcement officer in carrying out or enforcing any provisions of this Ordinance, subject to procedures and standards stated in this Section.

(E) Appeals shall be granted only in accordance with the Michigan Zoning Enabling Act. The action shall be based on findings regarding the standards set forth in this Section. The extent to which the following

criteria apply to a specific case shall be determined by the ZBA and become part of the formal record of the case.

The ZBA may reverse or affirm, wholly or partly, or may modify any administrative order, requirement, decision, or determination, in accordance with the guidelines set forth herein.

### **SECTION 1301. CRITERIA APPLICABLE TO APPEALS.**

The ZBA may reverse an order of any enforcement official or body only upon determining that the action appealed meets one (1) or more of the following standards:

- (1) Was arbitrary or capricious, or
- (2) Was based on an erroneous finding of a material fact, or
- (3) Constituted an abuse of discretion, or
- (4) Was based on erroneous interpretation of this Zoning Ordinance, zoning law or zoning case law.

### **SECTION 1302. VARIANCES.**

The ZBA is authorized to grant a variance from the strict application of the provisions of this ordinance subject to criteria and considerations stated in the sub-sections below. In granting a variance, the ZBA may attach thereto such conditions and safeguards regarding the location, character, and other features of the proposed uses as it may deem reasonable so that the spirit of this ordinance is observed, public safety secured, and substantial justice done. The ZBA shall clearly state the grounds upon which it justifies the granting or denying of a variance, which shall be made part of the written record.

Variances shall be granted only in accordance with the Michigan Zoning Enabling Act. The action shall be based on findings regarding the standards set forth in this Section. Variances shall not be granted solely upon economic or financial considerations. The applicability of the following criteria to a specific case shall be determined by the ZBA in formulating a decision and shall become part of the formal record of the case.

(A) Standards for variance decisions by the Appeals Board. The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:

(B) For Dimensional Variances. A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- (1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
- (2) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).



(3) That strict compliance with the regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

(4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to the other property owners in the district.

(5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

(C) For use variances. A use variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that undue hardship exists by showing all of the following:

(1) The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the zoning district in which it is located.

(2) The showing of mere inconvenience is insufficient to justify a variance.

(3) That the proposed use will not alter the essential character of the neighborhood.

(4) That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

(D) Criteria applicable to variances. To grant a variance, the ZBA shall determine that request meets one (1) or more of the following criteria:

(1) Practical difficulties. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

(2) Substantial justice. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.

(4) Extraordinary circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

(5) Preservation of property rights. The variance is necessary for the preservation and enjoyment of a substantial property right also possessed by other property owners in the same zoning district.

(6) Additional considerations. The ZBA shall review all of the following when reviewing a variance to assure that the proposed variance is the minimum modification needed to meet the requirements of the applicant under the Ordinance and may condition any variance based upon its findings:

(a) The granting of a variance or appeal shall not increase the hazard of fire or otherwise endanger public safety.

(b) The granting of a variance or appeal shall not unreasonably diminish or impair the value of surrounding properties.

(c) The granting of a variance or appeal shall not alter the essential character of the neighborhood or surrounding properties.

(d) The granting of a variance or appeal shall not impair the adequate supply of light and air to any adjacent property.

(e) The size, character, and location of any development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.

(f) Any development allowed upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.

(g) Any development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.

(h) The location, design, and height of a building, structure, fence, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.

(i) The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

### **SECTION 1303. INTERPRETATION.**

The ZBA is authorized to interpret boundaries of zoning districts as presented in the official zoning map. Upon request of the Planning Commission or any administrative or enforcement officer charged with enforcement of this Ordinance, the ZBA may interpret and clarify the meaning or applicability of Zoning Ordinance text. Interpretations of zoning district boundaries, as shown upon the official Zoning Map accompanying and made part of this Ordinance, shall be made in such a way as to carry out the intent and purpose of this Ordinance and the City's Master Plan.

#### **SECTION 1304. EXCEPTIONS.**

The ZBA is authorized to hear and decide requests for exceptions to the Ordinance as provided for within the Ordinance, and for other decisions specifically authorized by this Ordinance. Any exceptions shall be subject to such conditions as the ZBA may require preserving and promoting the character of the zoning district in question and otherwise promoting the purpose of this Ordinance:

(A) Allow the erection and use of a building or use of premises for public utility purposes upon recommendation of the Planning Commission.

(B) Allow the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

(C) Allow such modification of the height and area regulations as specified in Section 901, or as may be necessary to secure an appropriate improvement of a lot that is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

(D) Allow modification of wall requirements when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

(E) Allow temporary buildings and uses for periods not to exceed 365 calendar days.

(F) Allow, upon proper application, temporary uses that do not require any capital improvement of a structural nature, and are not otherwise permitted in any district. The ZBA may grant permission for the above temporary uses for a period not to exceed 365 calendar days, with the granting of one (1) 365 calendar day extension being permissible upon proper application, subject to all of the following conditions:

(G) The granting of the temporary use shall not constitute a change in the basic uses permitted for the district nor for the property wherein the temporary use is permitted.

(H) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

(I) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be made at the discretion of the ZBA.

(J) In classifying uses as not requiring capital improvement, the ZBA shall determine that any facilities associated with the use are demountable structures that do not require foundations, heating systems, or sanitary connections, or are related to permitted uses of the land. Recreational developments without permanent facilities (such as, but not limited to golf-driving ranges and outdoor archery courts) may be considered as temporary uses not requiring capital improvement.

(K) The use shall be in harmony with the general character of the district.

The ZBA shall receive and review a recommendation from the Building Official or City Planner regarding the proposed use as it relates to current and long-range planning for the area in which the proposed temporary use is requested, and its impact upon the City's Master Plan.

#### **SECTION 1305. LIMITATIONS.**

(A) Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the text or stated intent of any part of this Ordinance.

(B) The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, such power and authority being reserved to City Council, in the manner provided by law.

(C) The ZBA is strictly prohibited from hearing appeals of or granting variances from special land use determinations or conditions of approval as regulated under Article IV, Specific Land Use Provisions.

(D) The ZBA is also strictly prohibited from hearing appeals of or granting variances from any determinations, standards or conditions established within a Planned Development, as regulated under Article V, PD Planned Development District.

The ZBA shall not have the power to grant variance or changes to requirements of any other body having appropriate regulatory jurisdiction under this Ordinance, unless specifically authorized by a provision of this Ordinance.

#### **SECTION 1306. POWERS.**

The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. With an affirmative decision, the ZBA may impose conditions pursuant to the Michigan Zoning Enabling Act. The decision of the ZBA shall be final. However, a person aggrieved by this Ordinance may appeal to the Circuit Court for review pursuant to Section 606 of the Michigan Zoning Enabling Act.

#### **SECTION 1307. PROCEDURE.**

The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the City Clerk, and shall be public record. The ZBA shall render all decisions without unreasonable delay.

(A) Meetings and Hearings. All meetings of the ZBA shall be held at the call of the Chair, and as such times as the ZBA may determine. All hearings conducted by the ZBA shall be open to the public. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

The ZBA shall select a reasonable time and place for hearings, and shall give due notice thereof to the parties in accordance with Section 1101 of this Ordinance and Section 401 of the Michigan Zoning Enabling

Act. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(B) Stay of Proceedings. An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Planning Commission or zoning official certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property; in which case proceedings shall not be stayed other than by a restraining order granted by the Circuit Court.

(C) Notice. The ZBA shall take no action authorized by this Ordinance or the Michigan Zoning Enabling Act, except as related to a specific case and after a public hearing has been conducted. The ZBA shall, by general rule or in specific cases, determine the interested parties who may be affected by any matter brought before it, which shall in all cases include all owners of record of property (according to the most current City assessment records) within 300 feet of the premises in question. Such notice may be delivered either personally or by mail addressed to said respective owners as disclosed by the assessment roll, and to the tenant(s) at the address given for the property in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.

The ZBA may require any party applying to the ZBA for relief to give such notice to other interested parties as the ZBA shall prescribe. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the ZBA is sought, as well as a brief description of the nature of the request.

(D) Concurring Vote Required.

(1) Appeals, Exceptions, Interpretations and Dimensional Variances. The concurring vote of a minimum of four (4) members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; and to grant a variance from any non-use or dimensional standard of this Zoning Ordinance.

(2) Use Variances. The concurring vote of a minimum of five (5) members of the ZBA shall be necessary to grant a variance from the use provisions of this Ordinance.

## **SECTION 1308. VARIANCE AND APPEAL APPLICATION REQUIREMENTS.**

(A) Application for variances and appeals. A person filing an application to the ZBA shall use forms as specified by the ZBA. All required fees shall accompany an application before any action shall commence to review the application. The application shall specify the grounds for the request, and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the applicable section(s) of the Ordinance involved in the request.

(B) Sketch plan required. Each application shall be accompanied by a sketch plan for the site that includes the following information, as applicable:

(1) Applicant's name, address, and telephone number.

(2) Property identification (Sidwell) number, scale, north point, and dates of submission and revisions.

- (3) Zoning classification of petitioner's parcel and all abutting parcels.
- (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and on properties within 50 feet of the site.
- (5) For variances requested from any dimensional standard of this Ordinance, the sketch plan shall include verified measurements of existing conditions, and clearly state the proposed dimensions or conditions for which the variance is sought.
- (6) Where an application to the ZBA involves a variance sought in conjunction with a site plan review by the Planning Commission, the application date for site plan review shall also be provided.
- (7) Any additional information that may be required by the Building Official or Inspector or the ZBA to make the determination requested herein.

### **SECTION 1309. FORMAL RECORD OF REQUESTS.**

The ZBA shall prepare, build, and retain a formal record of each variance request or appeal consideration, and shall base its decision on this record. This formal record shall include all of the following:

- (A) Relevant administrative records and related administrative orders.
- (B) A copy of the public notice for the hearing associated with the request.
- (C) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the ZBA for its consideration.
- (D) All written findings of fact, the decisions, orders, and any conditions imposed by the ZBA in acting on the appeal shall be entered into the official record, after being signed by the Chair of the ZBA, thereby effectuating the decision and any conditions imposed thereon.

### **SECTION 1310. ORDERS.**

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the orders, requirements, decisions, or determinations appealed under this Ordinance and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Planning Commission, City Planner, Building Official or other zoning official from whom the appeal is taken.

- (A) No order of the ZBA allowing the erection of a building shall be valid for a period longer than 365 calendar days, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (B) No order of the ZBA allowing a use of a building or premises shall be valid for a period longer than 365 calendar days unless such use is established within such period. Where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

An order of the ZBA allowing a variance or exception that is not utilized within 365 calendar days of its issuance shall be considered null and void and an application must be re-filed if it is desired at a future date. A variance or exception that is legally utilized and maintained continues to run with the property and any subsequent owners who legally continue the variance or exception under its original or amended terms.

(C) The reason(s) utilized as a basis for making any decision shall be stated in the minutes of the ZBA.

(D) The ZBA may require such conditions and the posting of necessary bonds or other financial guarantees acceptable to the city council to control compliance with specified conditions.

(E) Copies of the decisions of the ZBA shall be furnished to the City Council and Planning Commission.

### **SECTION 1311. DECISION FINAL.**

The decisions of the ZBA shall be final, but shall be subject to review by the Circuit Court consistent with Section 606 of the Michigan Zoning Enabling Act. The Circuit Court may order the ZBA to rehear a case in the event that the Court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence that is material and with good reason was not presented to the ZBA.

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## **ARTICLE XIV. ZONING COMMISSION**

The city planning commission is hereby designated as the commission specified in section 4, of Act No. 207 of the Public Acts of Michigan of 1921, and shall perform the duties of said commission as provided in the statute in connection with the amendment of this ordinance.

## **ARTICLE XV. REPEAL OF PRIOR ORDINANCE**

The zoning ordinance adopted by the City of Center Line, known as Ordinance **[INSERT ORDINANCE NUMBER]**, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this ordinance.

## **ARTICLE XVI. INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control.

## **ARTICLE XVII. VESTED RIGHT**

Nothing in the ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## **ARTICLE XVIII. ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

### **SECTION 1800. VIOLATIONS.**

Any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each conviction, or shall be punished by imprisonment for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

### **SECTION 1801. PUBLIC NUISANCE PER SE.**

Buildings and structures erected, altered, raised or converted, or uses carried on in violation of this ordinance or any provision thereof is [are] hereby declared to be a public nuisance per se and shall be abated. Upon proper notice to the building inspector, any owner, operator, or lessee of the property, action shall be taken to abate the nuisance. If the nuisance is not voluntarily abated, the building inspector, upon proper notice, shall take action on behalf of the city to obtain a court order abating the nuisance.

### **SECTION 1802. FINES, IMPRISONMENT, ECT.**

The owner of any building, structure, or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

### **SECTION 1803. EACH DAY A SEPARATE OFFENCE.**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

### **SECTION 1804. RIGHTS AND REMEDIES ARE CUMULATIVE.**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## **ARTICLE XIX. SEVERANCE CLAUSE**

Sections of this ordinance shall be deemed to be severable; and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **ARTICLE XX. EFFECTIVE DATE**

Public hearing having been held hereon, the provisions of this ordinance are hereby given immediate effect upon its adoption, pursuant to the provisions of Section 4 of Act No. 207 of the Public Acts of Michigan of 1921, as amended.

Made and adopted by the city council of the City of Center Line, Macomb County, Michigan, December 6, 2016.